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REPORT

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COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

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

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CONTENTS

VOLUME I

	Page
FOREWORD	VII
LETTER OF TRANSMITTAL	IX
PREFACE	XI
INTRODUCTION	XV
AFRICA:	
Angola	1
Benin	14
Botswana	20
Burkina Faso	29
Burundi	39
Cameroon	47
Cape Verde	69
Central African Republic	74
Chad	85
Comoros	94
Congo, Democratic Republic of	99
Congo, Republic of	128
Cote d'Ivoire	138
Djibouti	155
Equatorial Guinea	166
Eritrea	173
Ethiopia	182
Gabon	203
Gambia, The	211
Ghana	220
Guinea	237
Guinea-Bissau	249
Kenya	256
Lesotho	279
Liberia	288
Madagascar	299
Malawi	305
Mali	313
Mauritania	321
Mauritius	337
Mozambique	343
Namibia	357
Niger	369
Nigeria	379
Rwanda	402
Sao Tome and Principe	412
Senegal	415
Seychelles	427
Sierra Leone	433
Somalia	442
South Africa	449
Sudan	464
Swaziland	482
Tanzania	490
Togo	505
Uganda	518
Zambia	535

Page

AFRICA—Continued
Zimbabwe 547

LATIN AMERICA, CANADA, AND THE CARIBBEAN:
Antigua and Barbuda 569
Argentina 573
Bahamas 584
Barbados 590
Belize 594
Bolivia 601
Brazil 611
Canada 634
Chile 641
Colombia 656
Costa Rica 691
Cuba 698
Dominica 718
Dominican Republic 722
Ecuador 737
El Salvador 747
Grenada 763
Guatemala 767
Guyana 792
Haiti 801
Honduras 815
Jamaica 829
Mexico 834
Nicaragua 857
Panama 872
Paraguay 885
Peru 896
St. Kitts and Nevis 924
Saint Lucia 928
St. Vincent and the Grenadines 932
Suriname 936
Trinidad and Tobago 943
Uruguay 948
Venezuela 954

EAST ASIA AND THE PACIFIC:
Australia 971
Brunei 978
Burma 984
Cambodia 1006
China (includes Hong Kong and Macau) 1018, 1089
China (Taiwan only) 1095
Fiji 1106
Indonesia 1113
Japan 1153
Kiribati 1166
Korea, Democratic People's Republic of 1179
Korea, Republic of 1169
Laos 1189
Malaysia 1199
Marshall Islands 1227
Micronesia, Federated States of 1230
Mongolia 1234
Nauru 1239
New Zealand 1242
Palau 1247
Papua New Guinea 1251
Philippines 1256
Samoa 1268
Singapore 1272
Solomon Islands 1288
Thailand 12928
Tonga 1306
Tuvalu 1309

Page

EAST ASIA AND THE PACIFIC—Continued
Vanuatu 1312
Vietnam 1316

VOLUME II

EUROPE:
Albania 1337
Andorra 1348
Armenia 1351
Austria 1366
Azerbaijan 1375
Belarus 1390
Belgium 1414
Bosnia and Herzegovina 1422
Bulgaria 1440
Croatia 1458
Cyprus 1479
Czech Republic 1488
Denmark 1503
Estonia 1507
Finland 1515
France 1519
Georgia 1531
Germany 1546
Greece 1559
Hungary 1574
Iceland 1585
Ireland 1590
Italy 1598
Kazakhstan 1606
Kyrgyz Republic 1628
Latvia 1640
Liechtenstein 1649
Lithuania 1652
Luxembourg 1661
Former Yugoslav Republic of Macedonia 1664
Malta 1675
Moldova 1678
Monaco 1688
Netherlands, The 1691
Norway 1698
Poland 1702
Portugal 1719
Romania 1725
Russia 1735
San Marino 1797
Serbia-Montenegro 1799
Slovak Republic 1844
Slovenia 1857
Spain 1861
Sweden 1875
Switzerland 1882
Tajikistan 1890
Turkey 1902
Turkmenistan 1937
Ukraine 1947
United Kingdom 1970
Uzbekistan 1988

NEAR EAST AND NORTH AFRICA:
Algeria 2009
Bahrain 2020
Egypt 2031
Iran 2050
Iraq 2070
Israel and the occupied territories 2092
Jordan 2124

Page

NEAR EAST AND NORTH AFRICA—Continued
Kuwait 2137
Lebanon 2151
Libya 2162
Morocco 2170
Western Sahara 2189
Oman 2192
Qatar 2201
Saudi Arabia 2207
Syria 2219
Tunisia 2230
United Arab Emirates 2248
Yemen 2256

SOUTH ASIA:
Afghanistan 2277
Bangladesh 2294
Bhutan 2315
India 2325
Maldives 2367
Nepal 2374
Pakistan 2389
Sri Lanka 2434

APPENDICES:
A. Notes on Preparation of the Reports 2457
B. Reporting on Worker Rights 2459
C. International Human Rights Conventions 2462
D. Information on International Human Rights Conventions Listed in Appendix C 2468
E. FY 1999 U.S. Economic and Security Assistance (Actual Obligations) .. 2469
F. 55th Session of the U.N. Human Rights Commission Voting Record 2474
G. United Nations Universal Declaration of Human Rights 2478

FOREWORD

The country reports on human rights practices contained herein were prepared by the Department of State in accordance with sections 126(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.

BENJAMIN A. GILMAN,
Chairman, Committee on International Relations.

JESSE HELMS,
Chairman, Committee on Foreign Relations.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, February 25, 1999.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, I am transmitting to you the *Country Reports on Human Rights Practices for 1998,* prepared in compliance with sections 116(d)(1) and 502(B)(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

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

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

Enclosure.

PREFACE 1999

HUMAN RIGHTS REPORTS

Why The Reports Are Prepared

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

The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970's. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994 the Congress created a position of Senior Advisor for Women's Rights. Congress also has written into law formal requirements that U.S. foreign and trade policy take into account countries' human rights and worker rights performance and that country reports be submitted to the Congress on an annual basis. The first reports, in 1977, covered only countries receiving U.S. aid, numbering 82; this year 194 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 1999 human rights reports reflect a year of dedicated effort by hundreds of State

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

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

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

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

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

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

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

Chief—Marc J. Susser; Supervisory Editor—Leslie A. Gerson; Managing Editor—Jeannette P. Dubrow; Technical Editor—Larry Arthur; Editors—Liana Brooks, Frank B. Crump, Joan Garner, Stanley Ifshin, David T. Jones, Lisa N. Kaplan, Susan F. Kovalik, Amy E. McKee, Gregory P. Moody, Diana D. Perry-Elby, Yvette Saint-Andre, Rachel D. Settlage, John C. Sheerin, Carol A. Timko, James C. Todd, Stephen W. Worrel; Assistant Editors—John Bradshaw, Charles J. Brown, Christine Camillo, Douglas B. Dearborn, Carol G. Finerty, Jose Garriga, Ramona Harper, Peter Higgins, Ann Hudock, Alex Kronemer, Susan Keogh, Paul Martin, Edmund McWilliams, Robert L. Norman, David Park, Maria Pica, Susan O'Sullivan, Tamara J. Resler, Mark D. Schall, Madeleine Seidenstricker, Wendy L. Shapiro, Wendy B. Silverman, Mark A. Simonoff, Yvonne F. Thayer, Amy Young, Robert C. Ward; Editorial Assistants—Charmaine Coleman, Linda Hayes, Katie Janick, Laura Muir, Carrie O'Connell, Jennifer Pekkinen, Joshua Rubinstein, Vonzella Taylor, Eunice Watson.

INTRODUCTION TO THE 1999 HUMAN RIGHTS REPORT

I. THE THIRD GLOBALIZATION: TRANSNATIONAL HUMAN RIGHTS NETWORKS

Today, all the talk is of globalization. But far too often, both its advocates and its critics have portrayed globalization as an exclusively economic and technological phenomenon. In fact, in the new millennium, there are at least three universal "languages:" money, the Internet, and democracy and human rights. An overlooked "third globalization"—the rise of transnational human rights networks of both public and private actors—has helped develop what may over time become an international civil society capable of working with governments, international institutions, and multinational corporations to promote both democracy and the standards embodied in the Universal Declaration of Human Rights.

In Davos recently, President Clinton noted that "Since globalization is about more than economics, our interdependence requires us to find ways to meet the challenges of advancing our values." In 1999 the United States continued to meet that challenge. As a leader in promoting democracy and human rights around the world, the United States played an essential and catalyzing role in the process of creating transnational human rights networks. Just this past year, President Clinton and Secretary Albright helped forge international solutions to the crises in Kosovo and East Timor by encouraging a wide range of governmental and nongovernmental actors to join together in public-private networks to promote international justice. The United States is committed to the long-term project of helping such networks develop into an international civil society, an effective partnership of governments, international agencies, multinational corporations, and nongovernmental organizations (NGO's) that will support democracy worldwide and promote the standards embodied in the Universal Declaration of Human Rights.

The great American civil rights leader Martin Luther King, Jr. acknowledged "the interrelatedness of all communities and states . . . caught in an inescapable network of mutuality, tied in a single garment of destiny." What Dr. King understood, even 40 years ago, was the need—in an increasingly interdependent world—for governments, businesses, NGO's, and individuals to work together as agents of change. But what Dr. King could not fully envision was an era in which these growing national networks would face both the profound opportunities and the challenges posed by globalization.

Traditionally, networks have evolved out of communities of like-minded individuals who gather around shared interests and values.

Often they begin as informal conversations, over dinner tables and conference tables, which help individuals identify a shared set of values and standards upon which they can base their behavior. They help generate what de Tocqueville called "habits of the heart"—those characteristics of human nature that encourage otherwise isolated individuals to connect with one another into a broader community. At times, private networks coalesce into a single NGO. More frequently, however, they remain loose coalitions of membership-based citizens' lobbies, labor unions, foundations, academics, professional associations, religious bodies, and other groups that share a desire to identify solutions to a single problem.

Such networks developed at the neighborhood, the community, and at times the national level. But today, new kinds of networks—linked by air transport, telecommunications, the global media, and the Internet—are helping create transnational communities of shared institutions, shared ideas, and—most importantly—shared values. We are rapidly moving toward a global network of government officials, activists, thinkers, and practitioners who share a common commitment to democracy, the universality of human rights, and respect for the rule of law.

Not surprisingly, the emergence of global telecommunications and commercial networks—the two other new "global languages"—have served as important driving forces behind this trend. Just as the Berlin Wall once stood as a physical barrier to movement and the free spread of democracy, governments that abuse human rights also seek to build walls that will stop the free flow of information. But the global information revolution has perforated such walls: E-mail, the Internet, cell phones, and other technologies have helped activists from around the globe to connect with one another in ways that were impossible only 10 years ago. The Internet has created a world in which traditional hierarchical, bidirectional models of authority have been replaced by nonhierarchical, multidirectional systems that naturally feed the growth of transnational networks. Similarly, the global commercial revolution has multiplied contact points between open and closed societies. As corporations, banks, international financial institutions, and private investors engage with transitional societies, they increasingly serve as transmission belts for human rights norms and advocates for human rights improvements.

Increasingly, some of the most successful transnational networks are those that partner with, respond to, or support government initiatives on behalf of democracy and human rights. Perhaps the best example of the power of such public-private network partnerships can be found in the developments over the past year in Kosovo and East Timor. In the days and weeks leading up to both NATO's decision to use military force to stop Serb atrocities in Kosovo and the United Nations' decision to use military force to stop militia and army human rights abuses in East Timor, transnational networks of human rights activists played a key role. During and after the Kosovo crisis, networks of human rights advocates and humanitarian relief workers worked closely with governments, the International Criminal Tribunal for the Former Yugoslavia, and NATO and KFOR forces to document allegations of war crimes and violations of humanitarian law. In both Kosovo and East Timor, NGO's

are working with U.N. missions to build networks to support reconstruction, document human rights abuses, and support justice initiatives.

When nongovernmental groups worked with intergovernmental agencies and national governments in Kosovo and East Timor, NGO efforts enriched government policy-creation efforts, and governments in turn helped guide and coordinate the work of NGO's. As a result of this public-private collaboration, governments successfully pooled their military and financial resources to halt the atrocities, and the international community began the hard work of rebuilding badly damaged societies.

Transnational human rights networks of governments and nongovernmental actors have also worked closely together to secure the adoption of a wide range of declarations, international treaties, conventions, and protocols addressing key human rights issues. Many of these networks emerged from the world human rights conferences that took place in the 1990's. At the World Conference on Human Rights in Vienna in 1993 and the Fourth World Conference on Women in Beijing in 1995, NGO activists worked with democratic governments to combat efforts made by dictatorships to distort the conferences' final declarations. Both conferences also led to the creation of permanent confederations of NGO's, which have continued to work in partnership with democratic governments. More recently, NGO's and governments have worked together to secure agreements on eliminating the worst forms of child labor and ending the use of child soldiers.

Transnational networks have played an important role in shaping the robust debate over how to guarantee international justice. While various actors in the international community do not yet agree fully on how best to address past human rights violations, particularly in the context of difficult democratic transitions, a great deal of concrete progress nonetheless has been made. As recently as the Vienna Conference on Human Rights, most governments (and many NGO's) regarded efforts to establish international judicial mechanisms to promote justice as remote or even utopian. Yet 7 years later, the world has witnessed the establishment of International Criminal Tribunals for the Former Yugoslavia and Rwanda. Indeed, there also has been active and sometimes controversial domestic civil and criminal litigation against former dictators.

Each of these developments took place in part because like-minded governments worked with NGO's to create a public-private network through which "the international community" could address critical human rights concerns. To be sure, no international consensus yet exists on many international justice issues, including the establishment of an International Criminal Court. However, the critical achievements of transnational human rights networks have been to place international justice issues on the agenda and to search for forums in which justice ultimately can be reached.

The United States continues to be a leader in the formation of new transnational human rights networks. For example, the U.S. Institute of Peace and the Department of State recently hosted a roundtable on justice and reconciliation at which visiting Indonesian officials drew on the experiences of five other countries—El

Salvador, Chile, Argentina, South Africa, and South Korea—that have confronted the human rights abuses of prior authoritarian regimes while making the transition to democracy. Participants focused on the advantages and disadvantages of a range of mechanisms for promoting justice and reconciliation: Truth commissions, noncriminal sanctions, criminal accountability, and compensation for victims. Other recent successful efforts at human rights networking began at a private-public conference at the United States Holocaust Museum in Washington to discuss the design of an atrocities prevention information and action network and at a public-private Organization for Security and Cooperation in Europe (OSCE) supplemental Human Dimension Meeting on Roma and Sinti issues.

In a number of critical areas, the Department of State has appointed special representatives to take the lead on building and working with existing human rights and civil society networks. As 1999 ended, Deputy Secretary of the Treasury Stuart Eizenstat, in his role as Special Representative of the President and Secretary of State on Holocaust-Era Issues, catalyzed efforts by the German Government and German industry to capitalize a multibillion dollar foundation to make payments to those who worked as forced and slave laborers for German companies during the Nazi era and to others who were injured during World War II. He also helped stimulate the work of the historical commissions of 19 nations, including the United States, to examine their roles during the War and their relationship to Holocaust-related assets.

Others have played an equally important role. Under Secretary of State for Economic Affairs Alan Larson has worked with a wide range of civil society groups in the Department's advisory group on international economic policy and the transatlantic consumer dialog. He also plays an active role in bringing the private business sector together with other civil society groups to address issues ranging from foreign economic policy to corporate responsibility. Robert Seiple, Ambassador at Large for International Religious Freedom, has worked closely with advisory groups and religious organizations, as well as the Commission on International Religious Freedom, to develop strategies to expand religious freedom worldwide. David Scheffer, Ambassador at Large for War Crimes Issues, has undertaken similar efforts along with governments, intergovernmental entities, and NGO's dedicated to accountability and justice for past abuses and prevention of future atrocities. Joseph Onek, the Department of State's Global Rule of Law Coordinator, has built partnerships with bar associations, ministries of justice, judicial and prosecutorial training centers, and legal academics to promote rule of law and legal institutions worldwide. Theresa Loar, the Department's Senior Coordinator on Women's Issues and Director of the President's Interagency Council on Women, has worked closely with existing global networks to promote women's rights as human rights leading to the fifth anniversary of the Beijing Women's Conference. Sandra Polaski, the Secretary's Special Representative for International Labor Affairs, has strengthened the connection between the Department of State and the international labor movement by regularly convening the Secretary's Advisory Com-

mittee on International Labor Diplomacy and expanding the international labor function within the Department of State.

Over the past 2 years, public-private transnational networks also have helped advance and promote the cause of democracy, as both a fundamental human right in itself and as a means to greater protection for a wide range of human rights. One of the most startling political changes of the post-Cold War era has been the explosion in the number of democracies worldwide: By most counts the number of democratic governments expanded fourfold in the last quarter of the 20th Century, from 30 in 1974 to some 120 today. The U.S. Government's democracy-promotion efforts have played an important role in bringing about this fundamental revolution in the way most nations are governed.

In 1999 U.S. democracy-promotion strategy set out upon four new paths: Priority-setting; resource-matching; standard-setting; and network-building. First, in an effort to give greater priority in U.S. support to countries that are at critical transition points in their movement toward democracy, Secretary of State Albright designated four countries—Colombia, Indonesia, Nigeria and Ukraine—as "democracy priority" countries. Second, the Secretary used her legislatively enhanced authority over the Agency for International Development to gain greater oversight over the assistance budgeting process, thereby seeking to channel more resources directly to the democracy priority countries. Third, to make clear that the right of democratic governance is not simply a privilege or a luxury, the United States introduced a resolution at the 55th Session of the United Nations Human Rights Commission in Geneva that explicitly reaffirmed that each individual has not just a hope of, but a right to, democratic governance: the resolution passed by a margin of 51–0, with only 2 member countries abstaining.

Fourth and finally, an impressive series of gatherings has helped lay the groundwork for creating a worldwide community of democracy activists and practitioners. In Mali, African governments and democratic activists met with aid officials from donor nations to discuss democratic development. In India, the world's democratic NGO's gathered in the first meeting of the "Worldwide Movement for Democracy" to discover shared values that transcend regional, cultural, or religious differences. In Yemen, small and emerging democracies met to identify common concerns. In Romania, new and restored democracies agreed on an agenda of action to support democracy in international fora. In the Republic of Korea, activists gathered at separate events to discuss the interrelationship between democracy and economic growth and the need for a network of Asian democrats. In Austria, Iceland, Northern Ireland, Trinidad and Tobago, and Uruguay, women from government and NGO communities gathered at Vital Voices conferences to promote greater political participation for women in democratic dialog.

In the first months of 2000, U.S. democracy-promotion efforts have expanded in two new directions. First, as challenges to democratic governance have emerged in Paraguay, Cote d'Ivoire, Ecuador, and Pakistan, the global democratic network has worked to develop common strategies not just to promote "democratic advance," but also to combat "democratic backsliding."

Second, to develop a full-fledged intergovernmental dialog among those nations of the world committed to pursuing a democratic path and to explore how best to strengthen democratic institutions and processes, the foreign ministers of Poland, the Czech Republic, Chile, India, the Republic of Korea, Mali, and the United States have agreed to convene in Warsaw, Poland, in June 2000 a meeting of the "Community of Democracies." This intergovernmental gathering should provide an unprecedented opportunity for established, emerging, and aspiring democracies to exchange experiences, to identify best practices, and to formulate an agenda for international cooperation in order to realize democracy's full potential. Concurrent with the ministerial meeting, a number of distinguished thinkers and path-breaking promoters of democracy from around the world will gather in Warsaw to discuss complementary issues and ideas. These representatives of intellectual life and civil society will present to the ministerial meeting their ideas as to how governments and citizens can better work together to strengthen and preserve democracy, thereby helping to strengthen the public-private regime dedicated to democracy-promotion and preservation.

Transnational human rights and democracy networks also can play an influential role in securing change within international institutions. In recent years, the World Bank, Regional Development Banks, and the United Nations Development Program, with the support of the U.S. Government, all actively have sought out dialog with a wide range of human rights and democracy groups to integrate respect for human rights, democratic governance, and the rule of law into their vision of human development. Much of the work of the U.N. Commissions on Human Rights and the Status of Women now takes place on the margins of the formal sessions, in informal networking among governments, and between NGO's and governments. Other U.N. bodies, such as UNICEF, UNIFEM, and the offices of the U.N. High Commissioners for Refugees and Human Rights frequently seek out the counsel of networks of like-minded governments, NGO's, and regional organizations, such as the European Union, the OSCE, the Council of Europe, the Organization of American States, and the Organization for African Unity.

In addition in areas ranging from environmental protection to human rights, corporations have begun to meet regularly not only with unions but with broader transnational human rights networks to identify how they can work together to solve problems. Corporate social responsibility increasingly has been accepted as a core tenet of global corporate citizenship, generating gatherings from Davos to San Francisco to London, as well as new networks of concern, including the new Global Sullivan Principles, the Fair Labor Association, the Worker Rights Consortium, the SA 8000 initiative, the "No Sweat" Initiative, and the Apparel Industry Partnership.

The U.S. Government has sought to encourage this trend by interacting and building alliances with multinational corporations that share a commitment has to establish a public-private network devoted to human rights advancement. In partnership with American companies, we have developed a set of voluntary Model Business Principles; we also have worked with the business and labor communities as well as the International Labor Organization to promote 1998's Declaration on Core Labor Standards. We are work-

ing closely with the garment and footwear industries, trade unions, and community activists to combat the still-too-pervasive reality of sweatshop labor at home and abroad. Most recently, we have been exploring new ways to work together with community activists, human rights NGO's, and corporations working in the extractive industries to promote human rights, support democratic institutions, and strengthen the rule of law, particularly in the three democracy-priority countries of Colombia, Indonesia, and Nigeria.

In every area, the work of the U.S. Government in democracy, human rights, and labor is increasingly being done not in isolation, but in partnership: Not just with other public entities, such as governments and intergovernmental organizations and international financial institutions, but with private entities, such as human rights and humanitarian NGO's; the media; labor unions; religious organizations; and corporations and commercial entities. As the new millennium unfolds, these transnational human rights networks will only expand and flourish. As international commerce and telecommunications continue to bind the world's peoples together, the United States will remain committed to using the universal language of human rights to build public-private networks to promote democracy and human rights worldwide.

II. The Year in Review

Perhaps because there was no defining moment like the collapse of the Berlin Wall, few analysts noticed that 1999 saw as profound a positive trend toward freedom as 1989. Thanks to democratic elections in Indonesia and Nigeria, two of the world's most populous states, more people came under democratic rule than in any other recent year, including 1989. In addition, the NATO intervention in Kosovo and the international intervention in East Timor demonstrated that the international community has the will and the capacity to act against the most profound violations of human rights.

Yet these significant gains in democracy and human rights cannot overshadow the fact that the past year also saw a number of profound challenges to human rights. Serbia's expulsion of over 850,000 Albanians, the Indonesian military's complicity in the militia rampage through East Timor, and the horrors perpetrated by rebels in Sierra Leone all show that the world still has a long way to go before it fully adheres to the precepts of the Universal Declaration of Human Rights. In addition, the coup in Pakistan and popular dissatisfaction in Latin America clearly demonstrate that the road to democratic governance is not without its problems and challenges. And despite the gains in Nigeria and Indonesia, too many authoritarian governments continue to deny basic human rights, including the right to democracy, to their citizens. The following sections highlight key developments over the past year in human rights, democracy, and labor.

A. Developments in Human Rights

1. *The Right to Democratic Dissent.* Article One of the United Nations Declaration on Human Rights Defenders states that "Everyone has the right . . . to promote and to strive for the protection

and realization of human rights and fundamental freedoms." All too often, we take this principle for granted. Yet each year, dedicated human rights activists and democratic dissidents around the world lose their lives defending this remarkable, transforming idea. In a large number of the countries covered in this report, human rights defenders and democratic dissidents face harassment, imprisonment, disappearances, or torture; in some cases, the risk comes from government sources. In many others, however, the risk is from nongovernmental insurgent, terrorist, or criminal elements.

Certain countries seem to take particular pleasure in restricting the right to democratic dissent. Take Serbia, where the Government of Federal Republic of Yugoslavia President Slobodan Milosevic initiated a brutal and indiscriminate police and military crackdown against ethnic Albanian opponents in Kosovo and sought to limit and suppress dissent closer to home. The Kosovo campaign ended only after the international community intervened militarily. Before and during the conflict, Kosovar Albanians known to oppose the regime were murdered, raped, disappeared, expelled, or detained in Serbian prisons. In addition over 850,000 Kosovar Albanian civilians were expelled forcibly to neighboring Albania, Montenegro, and the Former Yugoslav Republic of Macedonia. Severe violations of human rights, though less dramatic, also characterized the situation in the Serbian heartland, where the regime muzzled independent voices and forcibly dispersed citizens peaceably protesting government policies.

Similarly in Cuba, the regime of Fidel Castro continued to suppress opposition and criticism. Cuban authorities routinely 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 denied political dissidents and human rights advocates due process and subjected them to unfair trials. Many remained in prison at year's end. Although the Government sought to discourage and thwart foreign contacts with human rights activists, it did publicly state before the Ibero-American Summit in November that visiting delegations were free to meet with any person in the country, and about 20 dissidents met with 9 different delegations, including 3 heads of state. Prior to the summit, however, authorities temporarily detained a number of human rights activists to prevent them from preparing for meetings with the visiting leaders.

In Asia, dissidents and defenders face a range of challenges. In China, authorities broadened and intensified their efforts to suppress those perceived to threaten government power or national stability. Citizens who sought to express openly dissenting political and religious views faced widespread repression. In the weeks leading up to both June 4th, the 10th anniversary of the Tiananmen massacre, and October 1st, the 50th anniversary of the founding of the People's Republic, the Government moved against political dissidents across the country, detaining and formally arresting scores of activists in cities and provinces nationwide and thwarting any attempts to use the anniversaries as opportunities for protest. Authorities targeted members of the China Democracy Party (CDP), which had already had three of its leaders sentenced to lengthy

prison terms in December 1998. Beginning in May, dozens of CDP members were arrested in a widening crackdown, and additional CDP leaders were convicted of subversion and sentenced to long prison terms in closed trials that flagrantly violated due process. Others were kept detained for long periods without charge. In addition both leaders and followers of the popular Falun Gong spiritual movement faced harassment, beatings, arrest, detention, and in some cases, sentences to prison terms for protesting the Government's decision to outlaw their practice. Many not formally arrested reportedly were sentenced administratively, without trial, to up to 3 years in reeducation-through-labor camps. By year's end, almost all of the key leaders of the CDP were serving long prison terms, and only a handful of dissidents nationwide dared to remain active publicly.

In North Korea, government repression is so severe that no organized opposition to the regime is known to exist. The Government regards almost any independent activity—including listening to foreign broadcasts, writing letters, and possessing "reactionary" printed matter—crimes against the state. In Burma, the military junta intensified its systematic use of coercion and intimidation to restrict further freedom of association. Authorities undertook a sustained, systematic campaign to destroy the National League for Democracy (NLD) without formally banning it, pressuring thousands of NLD party members to resign and closing NLD offices throughout the country. Hundreds of prodemocracy activists remain in jail. Nobel laureate Aung San Suu Kyi has had to constrain her activities as a result of threats from the junta, which has severely restricted her freedom of movement.

Dissidents and defenders in the former Soviet Union also faced problems. In Belarus, two well-known opposition leaders disappeared under mysterious circumstances. Government security forces closely monitored human rights activists and arbitrarily arrested, detained, and beat political opponents and average citizens. Similarly in Uzbekistan, security forces arbitrarily arrested or detained human rights activists, pious Muslims, and other citizens on false charges. At least one human rights activist died in prison, allegedly after not receiving adequate medical care. In Turkmenistan, opposition figures and human rights activists regularly face arbitrary arrest, prolonged pretrial detention, unfair trials, and interference with privacy.

In the Middle East, dissidents and defenders had to contend with similar difficulties. In Iraq, the regime of Saddam Hussein continued to commit widespread, serious, and systematic human rights abuses, summarily executing actual and perceived political opponents. In Syria, the Government uses its vast powers to quash all organized political opposition.

Defenders and dissidents in Africa also faced severe challenges. In Sudan, despite the adoption of a new Constitution through a referendum in June 1998, the Government continues to restrict most civil liberties, including freedom of assembly, association, religion, and movement. Government security forces regularly tortured, beat, harassed, arbitrarily arrested, and detained opponents or suspected opponents of the Government, and they did so with impunity. Government forces also were responsible for extrajudicial

killings and disappearances. In Equatorial Guinea, the Government encouraged the illegal kidnaping and involuntary repatriation of political opponents living abroad. There are no effective domestic human rights NGO's, and in April the Government promulgated a new law that further restricted NGO's and precluded them from functioning in the area of human rights.

A growing trend around the world is the threat posed to democratic dissent by nongovernmental insurgent, terrorist, or criminal forces. In Colombia, for example, paramilitary forces, some with links to the armed forces, were responsible for the murder of numerous human rights activists as well as threats against many others. Guerrillas of the Revolutionary Armed Forces of Colombia (FARC) murdered three American indigenous rights activists who had traveled to that country to work with local indigenous leaders. In Sri Lanka, human rights defender and Tamil parliamentarian Neelan Tiruchelvam was killed by a suicide bomber believed to be linked with the separatist Liberation Tigers of Tamil Eelam (LTTE).

Some countries saw improvements in the treatment of defenders and dissidents. Domestic human rights organizations continued to play a significant and increasing role in securing improved human rights conditions, although some NGO's reported monitoring and interference by the authorities. In April the Parliament repealed the 1963 Anti-Subversion Law, although it subsequently incorporated six crimes specified in that law into the Criminal Code. In March, the Habibie Government freed 52 political prisoners, and in December the Wahid Government freed 196 more. However, activists working in East and West Timor, Aceh, and Papua (Irian Jaya) continued to face significant restrictions on and interference in their activity.

A number of governments took the positive step of releasing prominent defenders and dissidents. In Turkey, the Government suspended for 6 months the sentence of former Human Rights Association Chairman Akin Birdal, citing medical reasons stemming from injuries Birdal sustained during a May 1998 attempt on his life. However, Birdal is subject to reimprisonment to resume his sentence in March 2000 and also faces many other charges. In Tunisia, the Government released on early parole Tunisian Human Rights League Vice President Khemais Ksila, who was arrested in September 1997 and convicted on charges of defamation of the public order, dissemination of false information, and inciting the public to violence. In Morocco, political dissident Abraham Serfaty, who had been exiled since 1991, was allowed to return. In Bhutan, the Government released dissident and former government official Tek Nath Rizal, who had been held for nearly 10 years. In Russia, retired Russian naval captain and environmental activist Aleksandr Nikitin was acquitted of espionage charges, but his legal difficulties and official harassment continue. The passport and visa services office has refused to issue him an international passport, and the local tax police have called him in for questioning, claiming that he owes personal income tax on all funds that western organizations raised and spent on his legal defense.

2. Human Rights in Countries in Conflict. Civilians continue to endure human rights abuses, war crimes, and violations of humani-

tarian law in those countries facing internal insurgencies or civil war. Throughout the world, insurgents, paramilitary forces, and government security, military, and police forces used murder, rape, and inhumane tactics to assert control over territory, to secure the cooperation of civilians, and to silence opposition voices. As was the case in previous years, tens of thousands of civilian men, women, and children continued to die not only from conflict, but also from premeditated campaigns intended to instill terror among civilian populations.

Africa continues to be the locus of many of the world's worst conflicts. In Sierra Leone, rebel forces committed numerous egregious abuses, including murder, abduction, deliberate mutilations, and rape. Progovernment militias also committed abuses, albeit on a lesser scale. The rebels continued their particularly vicious practice of cutting off the ears, noses, hands, arms, and legs of noncombatants—including small children and elderly women. Rebel forces abducted missionaries, aid workers, U.N. personnel, and journalists; ambushed humanitarian relief convoys; raided refugee sites; and extorted and stole food. They abducted children to use as soldiers and other civilians to serve as forced laborers, sex slaves, and human shields. After the May cease-fire, insurgents continued to commit abuses, although significantly fewer were reported.

Continued civil conflict in the Democratic Republic of Congo saw government forces lose control of more than half the country's territory to rebels, who were often supported by troops from other African countries. Government security forces increasingly used arbitrary arrest and detention throughout the year and were responsible for numerous extrajudicial killings, disappearances, torture, beatings, rapes, and other abuses. Rebel forces also committed serious abuses, including murder, disappearances, torture, arbitrary arrests, rape, extortion, robbery, harassment of human rights workers and journalists, and recruitment of child soldiers.

In Angola, fighting between government and rebel forces led to numerous, serious human rights abuses by both sides. In Burundi, government forces killed both rebels and civilians, including women, children, and the elderly. Rebel forces also attacked and killed civilians. Rebel attacks on the military often generated army reprisals against civilians suspected of cooperating with the insurgents. At year's end, the army forcibly relocated an estimated 330,000 Hutus in "regroupment" sites in an effort to stop rebel attacks. In Uganda, insurgent groups, including the Lord's Resistance Army and Allied Democratic Forces, killed, tortured, maimed, raped, and abducted many persons (including children).

Other parts of the world were not immune to conflict. In Serbia, Government military and security forces forcibly expelled over 850,000 Kosovar Albanians from their homes. Many women were raped in the process. The International Criminal Tribunal for the former Yugoslavia is in the process of investigating reports of 11,000 persons killed and buried in 529 mass graves and has indicted Yugoslav Federal President Slobodan Milosevic and several other senior Government officials for war crimes and crimes against humanity. At the conclusion of the conflict, the international community assumed responsibility for the administration of Kosovo; since then it has had to contend both with Kosovar Alba-

nian reprisals against the rump Serbian population and Serb attacks against Albanians in the remaining Serb enclaves.

In Russia, the seizure by armed insurgent groups from Chechnya of villages in the neighboring republic of Dagestan escalated by year's end into a full-fledged attack by Russian forces on separatists in Chechnya, including the Chechen capital of Groznyy. The Russian attack included air strikes and the indiscriminate shelling of cities predominantly inhabited by civilians. These attacks, which in turn led to house-to-house fighting in Groznyy, led to the death of numerous civilians and the displacement of hundreds of thousands more. There are credible reports of Russian military forces carrying out summary executions of civilians in Alkhan-Yurt and in the course of the Groznyy offensive. As this report was going to press, there were credible reports that Russian forces were rounding up Chechen men of military age and sending them to "filtration" camps, where they allegedly were tortured. The Russian Government has a duty to protect its citizens from terrorist attacks but must comply with its international commitments and obligations to protect civilians and must not engage in extrajudicial killing, the blocking of borders to prevent civilians from fleeing, and other violations in the name of internal security. Chechen separatists also reportedly committed abuses, including the killing of civilians.

Afghanistan suffered its 20th consecutive year of civil war and political instability. Both the ultraconservative movement known as the Taliban (which controls roughly 90 percent of the country) and the United Front for Afghanistan (also known as the Northern Alliance) committed serious human rights abuses, particularly against women and girls, in the areas they occupied and during their attempts to conquer territory. Both also were responsible for the indiscriminate bombardment of civilians. Years of conflict have left an estimated 2.6 million Afghans living outside the country as refugees, while another 250,000 are internally displaced.

In Indonesia, civil conflict and violence continued or worsened despite the country's relatively successful struggle to move from dictatorship to democracy. A variety of motives drove the violence. Dissatisfaction that had remained pent up under the long-time rule of Soeharto boiled over under successor Governments. Anger at Indonesian military, security, and police units only fed widespread popular support for independence in East Timor, Aceh, and Papua (Irian Jaya). In Aceh, military forces and police committed numerous abuses, including extrajudicial killings, excessive force, disappearances, rape, arbitrary arrest, and detention without trial. Military forces sometimes resorted to force in order to disrupt peaceful demonstrations. Thousands of Acehnese residents fled their villages during various security crackdowns against separatist groups. In addition, dozens of low-level civil servants, police, and military personnel were murdered and abducted, most likely by separatists. In Ambon and throughout Maluku, fighting between Moslems and Christians left more than 1,000 dead by the end of the year. In West Kalimantan, more than 200 persons died in fighting pitting Madurese immigrants against indigenous Dayak and Melayu groups.

In East Timor, paramilitary units supported by or under the control of the Indonesian military went on a rampage of violence,

looting, and destruction after a United Nations-sponsored referendum saw more than 78 percent of Timorese vote for independence. Elements of the Indonesian security forces and the prointegration militias (which were armed and largely supported by the military) were responsible for numerous extrajudicial killings. In September hundreds of persons were killed in a wave of military-sponsored militia violence after the announcement of the proindependence vote. Over 250,000 East Timorese fled the violence. Violations included summary executions, massacres, rapes, deportations, and the destruction of property. Both an International Commission of Inquiry and an investigative commission established by the Indonesian Human Rights Commission subsequently concluded that the Indonesian military failed to stop, colluded in, or participated in the violence. In the early part of the year, proindependence groups also committed serious abuses, including killings.

In Sri Lanka, the Government's conflict with the separatist Liberation Tigers of Tamil Eelam (LTTE) continued to result in serious human rights abuses by both sides. Government security forces committed extrajudicial killings and at least 15 individuals disappeared from their custody. The Government did begin to investigate allegations that as many as 400 Tamils killed by security forces were buried in multiple graves in the town of Chemmani. Two exhumations recovered 15 bodies, but authorities have not yet sought criminal indictments against security forces in relation to the killings. LTTE forces were responsible for extrajudicial executions, disappearances, torture, arbitrary arrests, and detentions. LTTE attacks and suicide bombings killed close to 100 civilians, and at least 14 persons who were found guilty of offenses by the LTTE's self-described courts were executed publicly.

In Colombia, despite the Government's efforts to negotiate an end to hostilities, widespread internal armed conflict and rampant political and criminal violence persisted. Government security forces, paramilitary groups, guerrillas, and narcotics traffickers all continued to commit numerous serious abuses, including extrajudicial killings and torture. Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes. These groups were responsible for numerous massacres. Guerrillas regularly attacked civilian populations, kidnapped numerous individuals, committed massacres and summary executions, killed medical and religious personnel, and forcibly recruited civilians (including children). The Government took important steps toward ending collaboration by some security force members with the paramilitaries. President Pastrana, Vice President Bell, and members of the military high command declared repeatedly that collaboration—whether by commission or omission—by members of the security forces with paramilitary groups would not be tolerated. The President removed from service four generals and numerous mid-level officers and noncommissioned officers for collaboration, for failing to confront paramilitaries aggressively, or for failing to protect the local population.

3. Religious Freedom. In September the Department of State delivered to Congress the first Annual Report on International Religious Freedom. The Department carries a statutory responsibility to prepare these reports annually. The Report sought to create a comprehensive record of the state of religious freedom around the world and to highlight the most significant violations of this right. The Report demonstrates that violations of religious freedom, including religious persecution, are not confined to any one country, religion, or nationality. Throughout the world, Baha'is, Buddhists, Christians, Hindus, Jews, Muslims, and other believers continue to suffer for their faith.

Too much of the world's population still lives in countries in which religious freedom is restricted or prohibited. Totalitarian and authoritarian regimes remain determined to control religious belief and practice. Other regimes are hostile to minority or "unapproved" religions. Some tolerate, and thereby encourage, persecution or discrimination. Still other governments have adopted discriminatory legislation or policies that give preferences to favored religions while disadvantaging others. Some democratic states have indiscriminately identified minority religions as dangerous "sects" or "cults."

The International Religious Freedom Act also required the President or his designee (in this case the Secretary of State) to use the Annual Report on International Religious Freedom and other resources to identify those countries where the government has engaged in or tolerated "severe" or "particularly severe" violations of religious freedom. In October Secretary Albright informed Congress that she was designating five "Countries of Particular Concern": Burma, China, Iran, Iraq, and Sudan. The Secretary also informed Congress that she was identifying as particularly severe violators the Taliban regime in Afghanistan and the Government of Serbia. This last action was not taken under the auspices of the International Religious Freedom Act because the United States does not regard the Taliban as a government or Serbia as a country as envisioned by the act.

In Burma, the Government arrests and imprisons Buddhist monks who promote human and political rights. Security forces destroyed or looted churches, mosques, and Buddhist monasteries in some insurgent ethnic minority areas. In some insurgent China ethnic minority areas, security forces used coercive measures to induce Christians to convert to Buddhism.

China continued to restrict freedom of religion and intensified controls on some unregistered churches. Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference, repression, and persecution. The Government continued to enforce 1994 State Council regulations requiring all places of religious activity to register with the Government and come under the supervision of official, "patriotic" religious organizations. In some areas, authorities guided by national policy made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were harassed, fined, detained, and at times, beaten. According to reports, there were instances of torture. At year's end, some remained in

prison because of their religious activities, while others remained unaccounted for. In Tibet, the Government expanded and intensified its "patriotic education campaign" aimed at controlling monasteries and expelling supporters of the Dalai Lama, increasing pressure on Tibetan Buddhists. Controls on religious freedom in Xinjiang also remained tight. The Government also launched a crackdown against the Falun Gong spiritual movement in July. Tens of thousands of Falun Gong members reportedly were detained in outdoor stadiums and forced to sign statements disavowing the Falun Gong before being released.

In Iran, the Government committed numerous human rights abuses based in part on religion. Religious minorities, in particular Bahais, continued to suffer repression by conservative elements of the judiciary and security establishment. Thirteen Jews were arrested in February and March on suspicion of espionage on behalf of Israel, an offense punishable by death, leading to charges of anti-Semitism. In Iraq, the Government of Saddam Hussein has conducted a campaign of murder, summary execution and protracted arbitrary arrest against the religious leaders and adherents of the Shia Muslim population. Security forces have murdered senior Shia clerics, desecrated mosques and holy sites, and arrested untold numbers of Shi'a. In Sudan, discrimination and violence against religious minorities persisted. Government security forces harassed and detained persons on the basis of their religion. Eyewitnesses reported aerial bombardments of Christians, Muslims, and animists in the Nuba Mountains. Government-supported forces conducted raids, abducted persons—including women and children—and sold them into slavery. Many non-Muslims were converted forcibly to Islam.

In Afghanistan, the ultraconservative movement known as the Taliban, which controls about 90 percent of the country, enforced their interpretation of Islamic law through punishments such as public executions for adultery or murder and amputations of one hand and one foot for theft. Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. In Serbia, a predominantly Christian Orthodox country, authorities employed killing, torture, rape, and the forced mass emigration of Kosovar Albanians, who are overwhelmingly Muslim, in an effort to drive them from the country.

Other countries also saw significant violations of religious freedom. In Saudi Arabia, neither the Government nor society in general accepts the concept of separation of religion and state. The religious police enforce adherence to Islamic norms, intimidating, abusing, and detaining citizens and foreigners. In Pakistan, both the pre and postcoup Governments, as well as sectarian groups, continued to discriminate against religious minorities, particularly Ahmadis and Christians. Three Ahmadis sentenced in 1997 to life in prison for blasphemy remain incarcerated. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. In India, there was widespread intercaste and communal violence.

In Uzbekistan, the Government harassed and arrested hundreds of Islamic leaders and believers on questionable grounds, citing the threat of extremism. While the Government tolerated the existence

of some Christian denominations and even facilitated their registration, its laws still have the potential to limit the activity of some evangelical Christian groups. In Vietnam, the Government arbitrarily arrested and detained citizens for the peaceful expression of their religious views. The Government significantly restricts the operation of religious organizations other than those approved by the State.

In countries such as Indonesia, the problem was not government repression, but communal violence. In Maluku province, fighting principally involved Muslims and Christians (mostly Protestants). More than a thousand died and tens of thousands were displaced. Clashes began in the provincial capital of Ambon in January, then spread to neighboring islands. Economic tensions between native Christians and Muslims who migrated to Maluku in recent decades were a significant factor. Christian and Muslim communities in Maluku blamed each other for initiating and perpetuating the violence. Exhaustive mediation efforts, including an initiative launched by the Indonesian military in April, failed to secure a durable peace.

In Azerbaijan, the news was better. President Aliyev publicly took law enforcement and security officials to task for the harassment of religious believers. He also pledged that such abuse would not continue and that violators would be punished. The Government rescinded deportation orders for foreign religious workers, secured the reinstatement of believers who had lost their jobs, and prosecuted members of a local police force accused of harassment.

4. Press Freedom and the Information Revolution. Attacks on independent media—whether print, broadcast, or electronic—remained commonplace. Journalists continued to risk harassment, arrest, and even death to report the news. Murder remained the leading cause of job-related deaths among journalists worldwide. A wide range of governments throughout the world continue to utilize a variety of tools, including licensing, limits on access to newsprint, control over government advertising, jamming, and censorship, to inhibit independent voices. The growth of new, Internet-based media did help facilitate public access to a wide range of information, but some governments continued to develop means to monitor e-mail and Internet use and restrict access to controversial, political, news-oriented, and human rights web sites. Other governments have chosen to prohibit Internet access or limit it to political elites.

In China, control and manipulation of the press by the Government for political purposes increased during the year. After authorities moved at the end of 1998 to close a number of newspapers and fire several editors, the press and publishing industries were more cautious. Nonetheless, the press continued to report on cases of corruption and abuse of power by some local officials. As part of its crackdown against the Falun Gong, the Government used the state-controlled media to conduct a nationwide propaganda campaign. By some estimates, as many as 8.9 million Chinese citizens had access to the Internet, but the Government increased its efforts to try to restrict information available on the Internet and to monitor usage.

In Cuba, the Castro regime continued to tightly control access to information. In February the National Assembly passed the Law to Protect National Independence and the Economy, which outlaws possession and dissemination of "subversive" literature or information that could be used by U.S. authorities in the application of U.S. legislation. The Government has not yet charged anyone under the new law, but many independent journalists have been threatened with arrest, some repeatedly. National Assembly President Ricardo Alarcon told foreign correspondents that even reporters working for accredited foreign media could be sentenced to up to 20 years in prison under the new law. The Government continued to subject independent journalists to internal travel bans, arbitrary and periodic brief detentions, small acts of repudiation, harassment, seizures of office and photographic equipment, and repeated threats of prolonged imprisonment. The Government tightly controls access to computers, limiting access to the Internet to certain Government offices, selected institutes, and foreigners.

In Serbia, the Government of Federal Republic of Yugoslavia President Slobodan Milosevic continues to harass and detain journalists and shut down their newspapers and radio stations. At least one journalist was murdered under suspicious circumstances. In Serbia's sister republic of Montenegro, however, the Government worked to provide a hospitable working environment to independent media, including media that were harassed, threatened, or shut down by Serbian authorities.

In Ethiopia, fewer journalists were detained than in previous years, but at least eight remained in detention at year's end. Some 45 journalists obtained bail during the year but still are subject to trial. In Peru, the Government inhibits freedom of speech and of the press. Journalists faced increased government harassment and intimidation and practiced a great degree of self-censorship.

In Ukraine, the Government increasingly interfered with freedom of the press, most notably in the period before the October presidential elections. Government authorities stepped up pressure on the media, particularly broadcast outlets, through tax inspections and other measures. In Russia, journalists complained of increasing governmental interference. In mid-January 2000, Russian authorities detained Radio Free Europe/Radio Liberty correspondent Andrey Babitskiy and held him incommunicado, but they did not make public his detention until the end of the month. On February 3, the Government claimed that Russian forces had turned Babitskiy over to Chechen forces in exchange for Russian soldiers; neither Babitskiy's wife nor his employer has heard from him since, and his whereabouts remain unknown.

In Turkey, Parliament suspended for 3 years the sentences of writers and journalists convicted of crimes involving freedom of expression through the media. By the end of the year, at least 25 had been released. However, the law did not apply to crimes committed through speech, and human rights observers and some released writers said the conditions for the suspension amount to censorship. Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated publications and raided newspaper offices, and security forces occasionally beat journalists. Police continued to interfere with the distribution of some

Kurdish newspapers, and radio and television broadcasts in Kurdish remained illegal. Although Kurdish music recordings were widely available, bans on certain songs and singers persisted. The Committee to Protect Journalists estimated at year's end that at least 18 journalists remain in prison.

5. Women. The plight of women in Afghanistan continued to be the most serious women's human rights crisis in the world today. Taliban discrimination against women and girls remained both systematic and institutionally sanctioned. The Taliban imposed strict dress codes and restricted women from working outside the home except in very limited circumstances such as health care and humanitarian assistance. They also severely restricted women's and girls' access to many levels and types of education. The impact of Taliban restrictions is most acutely felt in cities such as Kabul and Herat, where there are a number of educated and professional women.

Elsewhere, women continue to face a wide range of human rights abuses. On a daily basis, women faced violence, abuse, rape, and other forms of degradation by their spouses and by members of society at large. Women suffer domestic violence in most if not all countries around the world. Many governments still fail to act against "honor killings," domestic violence, and even rape. In Nigeria, for example, the law allows a husband to "chastise" his wife, as long as it does not result in "grievous harm." In China, many women contended with domestic violence. Coercive family planning practices sometimes included forced abortion and forced sterilization. Trafficking and prostitution continued. In India, Bangladesh, and Nepal, dowry-related violence remained a serious problem. In Egypt, India, Iran, Oman, Pakistan, Saudi Arabia, Sudan, Yemen, and a number of other societies where religion and tradition play a predominant role, societal and cultural constraints kept women in a subordinate position.

In Kuwait, women do not have the right to vote or seek election to the National Assembly. Although the ruling Amir issued a decree in May which sought to give women the right to vote, to seek election to the National Assembly beginning with the parliamentary election scheduled for 2003, and to hold cabinet office, the Parliament vetoed it on constitutional grounds. Subsequent identical legislation introduced by Members of Parliament was defeated by a two-vote margin.

Female genital mutilation, which has negative, life-long health consequences for women and girls, continues to be practiced in much of Sub-Saharan Africa, and to varying degrees in some countries in the Middle East, including Egypt, Oman, and Yemen. Trafficking of women and children remains endemic in many parts of the world; in response, the Department of State has for the first time established a separate section in each Country Report to highlight U.S. concern about this serious problem (see Section C.2 below).

6. Protection of Minorities. In some states, majorities in power choose to mistreat or persecute those not like themselves. However, persecution and discrimination is not confined to states but also can be present in societies. Much remains to be done on the national level, and far too many governments do not grant individuals

their rights because of race, sex, religion, disability, language, or social status. In many cases, such repression inevitably leads to violence and separatism.

In China, for example, particularly serious human rights abuses persisted in minority areas, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and "separatist" activities. In Tibet, the Government expanded and intensified its continuing "patriotic education campaign" aimed at controlling the monasteries and expelling supporters of the Dalai Lama. In Xinjiang, where violence between the Government and separatist forces has escalated since 1996, authorities tightened restrictions on religion and other fundamental freedoms in an effort to control independence groups.

In Serbia, discrimination and violence against Kosovar Albanians, Muslims, Roma, and other religious and ethnic minorities worsened during the year. The Milosevic regime's oppressive policies toward Kosovo's ethnic Albanians imperiled prospects for interethnic cooperation and encouraged a separatist insurgency. In response, the regime launched a brutal police and military crackdown against the insurgents, which escalated into a full-fledged campaign of ethnic cleansing against civilians. As many as 850,000 Kosovars fled the province for squalid camps in neighboring states. After diplomatic intervention failed to resolve the matter, NATO forces began an air campaign against the Serbian regime. In June Serbia withdrew its forces from Kosovo, and the international community assumed responsibility for the province's administration. Since then, international peacekeeping forces have had to contend both with Kosovar Albanian reprisals against the rump Serbian population, and Serb attacks against Albanians in remaining Serb enclaves.

Although the erection of a wall to separate Roma from their neighbors in the Czech city of Usti nad Labem captured international attention, the problems facing Roma and Sinti populations in Europe went far beyond the building of a wall. Both populations suffer disproportionately from poverty, unemployment, and other socioeconomic ills. In many countries, particularly in Central and Southeastern Europe, they face prejudice, discrimination, and abuse.

7. The Holocaust: Completing the Historical Record. Spearheaded by Deputy Treasury Secretary Stuart Eizenstat in his capacity as Special Representative of the President and Secretary of State on Holocaust-era issues, the United States promoted further international recognition of the need for justice and remembrance for the victims of the greatest human rights violation of the 20th Century, the Holocaust. German industry and government pledged DM10 billion to capitalize a foundation that, among other things, will make payments to those who worked as forced and slave laborers for German companies during the Nazi era. Nineteen nations, including the United States, have established Holocaust Commissions to review their own involvement with Holocaust-era assets. Consistent with the 1998 Washington Conference on Art Principles, millions of dollars worth of art stolen by the Nazis are being re-

turned to rightful owners. At the Stockholm International Forum in January 2000, the United States, along with over 40 other governments, made an unprecedented common political commitment to strengthening Holocaust education, remembrance and research activities, and to opening archives bearing on the Holocaust.

B. Developments in Democracy

1. Democracies Under Threat. In The Third Wave, his seminal study of democratization, Samuel Huntington warned that the wave of democratization that began with Portugal in 1974 (and continues today) might suffer significant reversals in countries where conditions for democracy are weak. Over the past year, the number of democracies around the world continued to grow, but a small number of countries on the path to democracy saw reversals or threats to democratic governance.

This trend was particularly notable in Latin America, where elected governments in Ecuador and Paraguay confronted attempted coups or instability, and an elected government in Peru undermined democratic governance by concentrating power in the executive. In Ecuador, what could have been a disastrous coup became instead an unfortunate but ultimately constitutional succession. Indigenous activists, with the support of elements of the military, occupied the Ecuadorian Congress building, demanded the resignation of President Jamil Mahuad and attempted to replace him with a three-person junta that included an indigenous leader, a former Supreme Court judge, and a military officer. To end the institutional crisis, President Mahuad asked Ecuadorians to support Vice President Gustavo Noboa as his constitutional successor. The National Assembly confirmed the change in presidents the same day.

In Paraguay, President Raul Cubas Grau, a protege of retired General and coup plotter Lino Oviedo, sought to undercut the constitutional authority of the legislative and judicial branches. In March, Cubas' foe and Vice President Luis Maria Argana was assassinated, allegedly by Oviedo supporters. On March 28, after widespread demonstrations against Cubas and Oviedo, Cubas resigned, and Oviedo fled Paraguay. Senate president Luis Gonzalez Macchi assumed the presidency, forming a national unity Government that included, for the first time in 50 years, the two major opposition parties. By the end of the year, however, the Government faced economic difficulties, rural unrest, and increasing opposition.

In Peru, a dominant executive branch often uses its control of the legislature and the judiciary to the detriment of the democratic process. The Constitutional Tribunal has not functioned effectively since 1997, when Congress removed three of its members for opposing an interpretation of a law permitting President Fujimori to run for a third consecutive term. In Venezuela, President Hugo Chavez Frias, the leader of an attempted coup in 1992, was elected President on a promise of radical reform, including constitutional change through the election of a National Constitutional Assembly (ANC). In April, voters overwhelmingly approved his referendum, giving the ANC a 6-month mandate to rewrite the Constitution. The ANC, which was dominated by Chavez's political party, drafted

a new constitution, which was approved by voters in December. At year's end some observers remained concerned that too much power was being concentrated in Chavez's hands.

In other parts of the world, the main threat to democracy came from the military. In Pakistan, Army Chief of Staff General Pervaiz Musharraf overthrew the elected civilian Government of Prime Minister Nawaz Sharif in an October bloodless coup. Musharraf, in consultation with senior military commanders, designated himself Chief Executive, and suspended the Constitution, the National Assembly, the Senate, and the provincial assemblies. Despite repeated promises to restore democracy, Musharraf at year's end had not established either a timetable or milestones; his decision early in 2000 to require judges to swear a loyalty oath to the military (rather than the Constitution) further distanced his regime from a return to democratic rule.

In Cote d'Ivoire, retired General Robert Guei took over the Government after a mutiny that began in December evolved into a major military revolt and culminated in the dismissal and forced departure of President Henri Konan Bedie. The Guei regime arrested numerous Government ministers and military officers; by year's end, it had released all except 40. Guei has pledged to rewrite the Constitution, clean up government corruption, and hold fair and transparent elections.

2. Free and Fair Elections. According to Freedom House, there were 120 democracies at the end of 1999, a net increase of 3 over the previous year, and the largest number ever. As noted above, however, this trend away from dictatorship saw several reversals, most notably in Pakistan. Although Indonesia and Nigeria, two of the world's most populous states, made great strides toward democratic rule, a number of other states saw tainted or flawed elections stall their transitions to democracy.

Indonesia made significant progress in its transition from authoritarian to democratic rule. In June, the country held its first pluralistic, competitive, free, and fair parliamentary elections in 43 years. A new Parliament (DPR) and People's Consultative Assembly (MPR) were installed on October 1st. In accordance with constitutional procedures, the MPR subsequently elected, in a transparent balloting procedure, Abdurrahman Wahid as President, and Megawati Soekarnoputri as Vice President.

In Nigeria, the military regime of General Abdulsalami Abubakar completed its transition to democratic civilian rule with the election and subsequent May inauguration of retired General Olusegun Obasanjo as President. In accordance with Abubakar's transition program, members of the new civilian Government were chosen in four elections held over a 3-month period. Elections for local Government leaders were held in December 1998, those for state legislators and governors in January, and those for national legislators and president in February. The elections, most notably the presidential election, were flawed, but most observers agreed that the election of Obasanjo as President reflected the will of the majority of voters.

Several states saw limited gains. In Tunisia, the October presidential and legislative elections marked a modest step toward democratic development, with opposition presidential candidates al-

lowed to participate in the presidential race for the first time in Tunisia's history. However, the campaign and election processes greatly favored the ruling party, and there was wide disregard for the secrecy of the vote. In Niger, President Ibrahim Mainassara Bare, who overthrew a democratically elected Government in 1996, was assassinated in January by members of his presidential guard. A group of military officers led by Major Daouda Malam Wanke asserted control over the Government and announced a 9-month transition to a democratically elected Government. In July citizens voted to approve a new Constitution. In November they voted for a new National Assembly and for a new President; Tandja Mamadou was elected President with 60 percent of the vote in an election that was considered by international observers to be generally free and fair.

Other countries were not as successful in their transitions. In Belarus, Aleksandr Lukashenko's legal term as President expired in July. He had extended arbitrarily his term of office until 2001 after the illegal 1996 constitutional referendum. In Kazakhstan, President Nazarbayev was elected in January to a new 7-year term in an election that fell far short of international standards. Parliamentary elections held in October were an improvement over the presidential election but still fell short of international standards. In Azerbaijan, the country's first-ever municipal elections held in December, were marred by a nearly universal pattern of interference by local officials, which allowed them to control the selection of the election committees that supervised the election. In Armenia, irregularities marred both the May parliamentary elections and the October local elections. OSCE observers categorized the parliamentary elections as a step toward compliance with OSCE commitments, but said that they still failed to meet international standards.

In Haiti, a prolonged stalemate between President Rene Preval and the opposition-controlled legislature prevented the holding of elections in autumn 1998 to replace the Parliament as legally required. Preval announced that he would not recognize Parliament's decision to extend its incumbents' mandates until new elections could be held, thereby leaving the country without a functioning legislative branch for over a year. In March, Prime Minister Alexis formed a cabinet after negotiations with the five-party opposition coalition. Due to the absence of a parliament, the new ministers took office without being confirmed. The international community is assisting Haiti in preparations for new elections, scheduled for March and April 2000, with the goal of restoring the lapsed democratic institutions.

In Uganda, President Yoweri Museveni, elected to a 5-year term in 1996 under the 1995 Constitution, continued to dominate the Government. The 1995 Constitution formally extended the one-party movement form of government for 5 years and severely restricted political activity. Although Museveni supporters remained in control of the legislative branch, Parliament acted with increasing independence and assertiveness during the year. A national referendum on whether to allow multipartyism again is scheduled for 2000.

3. Civil Society. In many nations, civil society—that broad array of nongovernmental organizations, clubs, societies, trade unions, and political parties that are the domestic counterparts to transnational networks—played an increasingly influential role. Although some critics have warned that the emergence of the Internet culture would stunt social interaction, civil society groups showed no sign of slowing down at year's end, and as noted above, many were taking advantage of technological developments to establish new transnational networks of common interest and concern.

Many governments continue to seek means to limit, repress, or shut down the growth and development of civil society, which they regard as a profound threat to their authoritarian rule. In Belarus, for example, Government restrictions prevent an embryonic civil society from developing further. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Restrictions on freedom of speech, the press, and peaceful assembly continued, and the Government did not respect freedom of association.

In Iraq, then-U.N. Special Rapporteur for Iraq Max Van der Stoel noted in his February and October reports that freedom of speech, press, assembly, movement, and association do not exist. The Government effectively has eliminated the civil rights to life, liberty, and physical integrity and the freedoms of thought, expression, association and assembly. In Cuba, the Government denied citizens the freedoms of speech, press, assembly, and association. Authorities routinely harass, threaten, arbitrarily arrest, detain, imprison, and defame members of independent associations, including human rights advocates, journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country.

In China, an unknown number of persons, estimated at several thousand, have been detained for peacefully expressing their political, religious, or social views. Persons or groups seeking to promote political change, monitor human rights, or in any way challenge the authority of the Communist Party were repressed, their leaders often harassed, beaten, and jailed. At the same time, most average citizens went about their daily lives without significant interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. Social groups with economic resources at their disposal continued to play an increasing role in community life. Pilot experiments with contested local village elections continued.

In Malaysia, a U.N. Special Rapporteur reported that the Government systematically curtailed freedom of expression. Government restrictions and proliferating slander and libel suits stifled freedom of speech, and the Government significantly restricted freedom of movement, association, and assembly. The Government prohibited some peaceful gatherings, prevented students from participating in some political activities, and regularly and harshly criticizes domestic NGO's that venture into the political arena.

In Turkey, which has an active and growing civil society movement, the Government still continued to limit freedom of assembly

and association, and police harassed, beat, abused, and detained a large number of demonstrators. The Saturday Mothers, who had held weekly vigils in Istanbul for more than 3 years to protest the disappearances of their relatives, discontinued their gatherings this year in the face of ongoing police harassment, abuse, and detention of the group's members. In general, the Government continued to harass, intimidate, indict, and imprison individuals for ideas that they had expressed in public forums. However, there were some signs of a growing tolerance for civil society: State Minister Irtemcelik and President Demirel met with NGO's, and one office of a human rights NGO reopened in October after being closed for 5 years.

4. Rule of Law. All too often, authoritarian governments insist that they respect the rule of law when in fact they abuse the law to justify their rule. In far too many countries—Belarus, Burma, Cuba, Iraq, Libya, North Korea, Sudan, Turkmenistan, Uzbekistan, and Vietnam, for example—absolute rulers use the legal system to serve their own interests. Without the rule of law, these leaders violate human rights with impunity, suspend democracy, void contracts, and engage in corrupt practices. Governments that respect the rule of law have transparent and fair legal systems that feature professional and independent judges who act as final arbiters of the law.

In China, abuses included instances of extrajudicial killings, torture, and other mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process. A number of statutes passed in recent years hold the potential to enhance citizens' rights. If fully implemented, these laws would bring criminal laws closer toward compliance with international norms. However, the new statutes are violated routinely in cases involving political dissidents.

In Malaysia, police continued to use certain provisions of the legal code to detain some individuals without trial or charge. Prolonged pretrial detention occurs in some cases. The police were criticized for reports of physical abuse of prisoners and other citizens, although the number of police extrajudicial killings declined during the year. Many observers expressed serious concern about the decreasing independence and impartiality of the judiciary and about apparently politically motivated selective prosecution by the Attorney General.

In Pakistan, rule of law problems were rampant both before and after the October coup. The judiciary was subject to executive and other outside influence and suffers from inadequate resources, inefficiency, and corruption. The former Sharif Government used special antiterrorism courts to try the crimes of murder, gang rape, child molestation, and "illegal" strikes. After the coup, General Musharraf illegally detained a number of political figures from the Sharif Government and their families.

In Algeria, the authorities did not always respect defendants' rights to due process, and security forces committed extrajudicial killings, tortured detainees, and arbitrarily detained many individuals suspected of involvement with armed Islamist groups. How-

ever, there were no reports of new disappearances during the year in which the security forces were suspected. Prolonged pretrial detention and lengthy trial delays are problems, as are illegal searches and infringements on citizens' privacy rights.

In Peru, arbitrary arrest, prolonged pretrial detention, lack of due process, and lengthy trial delays remained problems. In July, the Government announced its withdrawal from the jurisdiction of the Inter-American Court of Human Rights after the Court determined that Peru had failed to provide due process in the case of four Chileans convicted by a military tribunal of treason. In Haiti, the judiciary remained plagued by understaffing, inadequate resources, and in many cases, corrupt and untrained judges. Judicial dockets remain clogged, and fair and expeditious trials are the exception rather than the rule. In a number of key cases, the executive branch continued to detain persons in defiance of release orders issued by judges. The 5-year-old Haitian National Police continues to benefit from international assistance, but it is grappling with problems of excessive use of force and other human rights abuses, including a marked increase over last year in the number of extrajudicial killings. Arbitrary arrest and detention and prolonged pretrial detention also remained problems.

Several countries saw positive developments in the rule of law. In Israel, a September decision by the High Court of Justice resulted in a significant reduction in the number of abuses committed by members of the security forces during the interrogation of security prisoners. In Cambodia, the Government withdrew a draft NGO law that had been criticized for its potential to place NGO's under arbitrary and severe restrictions on their ability to operate.

In Colombia, the Pastrana administration took measures to initiate structural reform and strengthen the rule of law. In July, the regional "anonymous" court system was abolished and replaced with a new specialized jurisdiction. In August, Congress passed a military penal reform bill that, while not yet implemented, is expected to correct some of the worst abuses in the military justice system and to be of great help in the fight against impunity. Thanks to the diligent efforts of the Prosecutor General's Human Rights Unit, a number of security force members were investigated, prosecuted, and convicted of past human rights violations. Impunity, although still widespread, is no longer total. Nonetheless, the civilian judiciary remains inefficient, overburdened by a large case backlog, and undermined by intimidation.

C. Developments in Labor

1. Worker Rights. Throughout the year, the impact of globalization on worker rights was the subject of serious discussion in many international forums. The World Trade Organization (WTO) Ministerial in Seattle saw a transnational network of human rights, environmental, and labor organizations focus debate on public concern that workers and their families, particularly in developing countries, receive a fair share of the benefits derived from the global economy. In response, the United States sought to win support for a proposal calling for establishment of a working group in the WTO that would examine the relationship between

trade and labor. On several occasions in Seattle, President Clinton strongly urged both the WTO and the international community to remember that free trade cannot come at the cost of excluding workers.

Despite the fact that Seattle did not lead to a new round of negotiations, a number of positive developments did take place during the year. In June, member nations of the International Labor Organization (ILO) unanimously adopted a landmark convention on the prohibition and immediate elimination of the worst forms of child labor. By this action, member nations pledged to ban a number of abuses, including child slavery; bonded labor; work that is inherently harmful to the health or morals of children, such as dangerous work or child prostitution; and the forced or compulsory recruitment of children under 18 for use in armed conflict.

President Clinton traveled to Geneva to support the adoption of the convention, and worked with Congress to ensure that the United States was one of the first countries in the world to sign and ratify it. In January 2000, governments again met in Geneva to adopt a draft optional protocol to the Convention on the Rights of the Child that prohibits governments and insurgencies from using child soldiers. It is expected that the protocol will be formally adopted by the United Nations General Assembly later this year. President Clinton has indicated that the United States is committed to a process of speedy review and signature and to working with the Senate to ensure ratification.

Notwithstanding the growing international consensus in support of worker rights, certain governments continued to violate core worker rights in defiance of their obligations under the ILO's Declaration on the Fundamental Principles and Rights at Work. Trade unions continued to face harassment and closure, many workers continued to face discrimination, and bonded and forced labor remained significant problems.

Despite the new convention, child labor remained a severe problem in many parts of the world. According to the ILO, more than 250 million children under the age of 15 work around the world, many in dangerous conditions. The ILO's International Program on the Elimination of Child Labor, to which the United States is by far the largest contributor, made some progress, but much more remains to be done.

Another problem common to many parts of the world is the misuse, mistreatment, and abuse of domestic labor. In much of the Middle East and parts of Europe, Asia, and the Americas, workers who travel from developing countries to work as domestic servants, as well as native-born workers, must contend with poor working and living conditions, minimal or nonexistent wages, violence, and sexual assault. Although some governments have taken steps to minimize abuses, many domestic workers find they must tolerate terrible working conditions to support their often far-off families.

Workers in a number of countries faced significant violations of their rights. In China, the Government continued to restrict tightly worker rights. The Communist Party controls the country's sole official union, and independent trade unions are illegal. The Government continued to detain and arrest independent labor activists, sentencing at least seven to terms ranging from 1 to 10 years. Nei-

ther the Constitution nor the labor law provides for the right to strike. Forced labor is a serious problem, particularly in penal institutions. Some prisons contract to perform manufacturing and assembly work, while others operate their own companies. A 1999 directory of Chinese corporations published by a foreign business-information company listed at least two prisons as business enterprises. The Government also maintains a network of reeducation-through-labor camps, whose inmates are required to work. There have been reports that products made in these facilities are exported. Most anecdotal reports conclude that work conditions in prison factories are similar to those in other factories, but conditions on the penal system's farms and in mines can be very harsh.

In Burma, the Government continued to restrict worker rights and ban unions. The forced use of citizens as porters by the army remained a common practice. Forced civilian labor remained widespread, although its use on major infrastructure projects has declined due to the use of soldiers. Child labor including forced child labor remained widespread. In Vietnam, the Government continues to restrict worker rights. Child labor is a problem and there were some reports of forced child labor. In Indonesia, enforcement of labor standards remained inconsistent and weak in some areas. Forced and bonded child labor remained a problem, particularly on fishing platforms, despite government efforts to reduce the problem. In Thailand, forced labor and illegal child labor are problems.

In the former Soviet Union, Belarus in particular stands out for its repression of the rights of workers. In Russia, workers face long delays in receiving their wages, as do pensioners. Conditions of work are health and even life threatening in many industries. Workers do have the right to join unions, but plant managers frequently work with the Federation of Independent Trade Unions, the successor to Communist trade unions, to destroy new unions. Court rulings have further limited the right of association by ruling that collective action based on nonpayment of wages is not a strike and that individuals who participate in such actions are not protected by the law. The Labor Code prohibits forced or compulsory labor, but there were credible reports of soldiers being "sold" by their superior officers to perform work for private citizens or organizations.

In Guatemala, poverty, the legacy of violent repression of labor activists and others, the deep hostility of many in business and the military towards trade unions, and a weak labor inspection and labor court system continued to constrain worker rights and limit enforcement of standards. In one case in which vigilantes abducted union leaders, physically abused them, and forced them to resign from their jobs and union positions, none of the vigilantes has been arrested, although more than a dozen suspects have been indicted on charges ranging from coercion to illegal detention. While the Constitution bars employment of minors under the age of 14, child labor remains a serious problem. Most child labor occurs in agriculture, domestic service, construction, stone quarrying, and family businesses. According to the Guatemalan Labor Ministry, 3,000 to 5,000 children are employed in the illegal cottage fireworks industry. This dangerous employment violates ILO Convention 182 banning the worst forms of child labor.

In Colombia, the Government, under strong international pressure, bowed to the demands of its unions, agreeing to the dispatch of a special ILO team to investigate killing and kidnaping of trade unionists and other worker rights violations. Physical intimidation of trade unionists, including killings, remains a very serious problem.

In India, the use of forced and bonded adult and child labor, though illegal, continues. While programs sponsored by the ILO and private groups have moved many children from, for example, carpet looms to classrooms, enforcement of child and bonded labor laws is spotty. Dalits and tribals, who constitute the majority of India's bonded labor, continue to face widespread discrimination. In Pakistan, child and bonded labor remains a serious problem. Thousands of families work in debt bondage, with children born into a life of bonded labor. While the Government has worked with the ILO to move children from work to school in several industries, enforcement of the laws against bonded and child labor has been inadequate. In Bangladesh, the Government failed to keep promises it had made to the international community with regard to worker rights, notably affording workers freedom of association and the right to organize in export processing zones. However, the Government has worked constructively with the ILO on a program to reduce child labor.

2. Trafficking of Persons. Trafficking in persons is a growing global problem that touches countries on every continent. The insidious reach of this modern-day form of slavery hurts women, children, and men from all walks of life, and of every age, religion, and culture. Traffickers rob their victims of basic human rights. They exploit and trade in human hopes and dreams to profit from inhuman suffering and misery. Victims are treated as chattel to be bought and sold across international and within national borders. This human tragedy rips the fabric of communities and tears families apart.

The trafficking industry is one of the fastest growing and most lucrative criminal enterprises in the world. Profits are enormous, generating billions of dollars annually and feeding into criminal syndicates' involvement in other illicit and violent activities. Trafficking in persons is considered the third largest source of profits for organized crime, behind only drugs and guns.

Trafficking cases appear in many forms. In some cases, traffickers move victims through transit countries using drugs, violence, and threats to ensure cooperation. In other cases, economically desperate parents sell their child to traffickers. Many times, trafficked victims begin their journey voluntarily and unwittingly fall into the hands of trafficking schemes.

In Russia and the Ukraine, for example, victims who yearn for economic independence within economies that offer few jobs, are lured by advertisements promising well-paying jobs abroad. However, once victims arrive in countries of destination, they are held captive and forced into bonded labor, domestic servitude or the commercial sex industry through threats, psychological coercion and severe physical brutality, including rape, torture, starvation, imprisonment, and death.

The majority of trafficking victims are girls and women. The reasons for this are linked to the economic and social status of women in many countries. Not all victims are women, however. Boys are frequently trafficked for prostitution, pornography, and in at least one country, used as camel jockeys. Men from a number of countries such as China are trafficked overseas to work in restaurants or in sweatshops in the garment industry. They travel to their destinations in rickety boats or cargo containers before becoming indentured servants to pay their "debts." If they try to leave employment, they risk violence or the extortion of their family members back home.

The underground nature of trafficking makes it difficult to quantify. The most reliable estimates place the level of trafficking at 1 to 2 million persons trafficked annually. As this report documents, trafficking into the commercial sex industry is merely one form of a broader range of trafficking exploited by organized criminal enterprises.

The problem is particularly widespread in South Asia. India and Pakistan are significant countries of origin, transit, and destination. Poor economic conditions in Nepal, Bangladesh, and rural areas of India result in women and children being trafficked into major cities for the sex trade and forced labor. In many cases, girls from poverty-stricken families are sold to traffickers by parents or relatives. Women who seek to return home often face stigmatization. Many are HIV positive. While criminal laws against trafficking exist, inadequate enforcement and lax penalties do little to stem trafficking patterns.

In East Asia, many women are coerced into prostitution under the guise of overseas employment contracts. In Thailand, women from hill tribes and neighboring countries are especially vulnerable to exploitation because of their inability to speak Thai. In Burma, women and children in border areas and from the Shan ethnic minority are particularly susceptible to being forced by traffickers into neighboring countries to work as prostitutes. In the Philippines, some women are lured into entering employment contracts overseas by unethical recruiters. Once they arrive at their destination, the women are subjected to work in the sex entertainment industry or suffer abuse at the hands of foreign employers or husbands.

The range and scope of trafficking in Africa remains largely undocumented. Officials in Europe, however, report an active and growing market from trafficking in women and children from Nigeria. There is evidence that Nigerian crime syndicates may use threats, physical injury, and legal coercion to stop women forced into the sex trade from escaping. Inside Nigeria, there is an active trade in child laborers, some exported to neighboring countries, from the Niger Delta region.

Trafficking also exists in the Western Hemisphere. Forced prostitution is also a problem in the Dominican Republic, where there are disparities in law enforcement. In Brazil, the sexual exploitation and prostitution of children is a serious problem. Prostitution rings foster a sexual tourism industry that exports children from the Amazon region to large urban centers and major cities.

III. CONCLUSION

The events of the past year have demonstrated the undisputed and growing power of transnational public-private networks in promoting democracy, human rights, and labor. Traditionally, "norm entrepreneurs" have been individuals whose role in society or government has given them the ability to influence the direction of policy. Oscar Arias Sanchez, former President Jimmy Carter, the Dalai Lama, Mahatma Gandhi, Vaclav Havel, Pope John Paul II, Martin Luther King, Nelson Mandela, and Eleanor Roosevelt are but a few of the human rights advocates who instantly come to mind. Such individuals still have an important role to play, but increasingly, public and private networks of transnational actors are becoming "norm entrepreneurs" in and of themselves—networks capable of mobilizing popular opinion and political support at the national and international level in order to secure international recognition and acceptance of new principles, standards, or approaches to complex human rights problems.

These transnational networks increasingly wield influence comparable to the power of individual nation-states, in their capacity to spotlight abuses, mobilize shame, generate political pressure, and develop structural solutions. But recent history also teaches that such networks cannot succeed without involving democratic governments dedicated to the same human rights goals. As President Clinton noted in Davos recently, all sides need to "lower the rhetoric and focus on results." No transnational network can firmly or permanently entrench human rights, democracy, or the rule of law in unfamiliar soil without forging partnerships with democratic governments and other domestic and international members of the emerging human rights community. These partnerships, which cross public and private, institutional and national lines, will be increasingly challenged to work together and prod one another to yield creative and enduring solutions to emerging problems. As this new century unfolds, the United States will continue to be a leader in creating and partnering with such transnational networks to seek democracy and human rights for all the world's peoples.

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EUROPE

ALBANIA

Albania is a republic with a multiparty parliament, a prime minister, and a president elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party and its allies won 121 of 155 parliamentary seats in 1997 elections held after a 5-month period of chaos and anarchy. Observers deemed the elections to be acceptable and satisfactory under the circumstances. The largest opposition group, the Democratic Party, ended its 10-month long boycott of the Parliament (its second such boycott in 2 years based on charges of unfair practices by the ruling Socialists and their coalition partners) in July. Socialist Pandeli Majko served as Prime Minister until October. After losing the October electoral contest for chairmanship of the Socialist Party, Majko resigned, and the Party chose Deputy Prime Minister Ilir Meta to replace him; Meta took office in October. The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently.

Local police units that report to the Minister of Public Order are principally responsible for internal security. One of the most serious problems involving public order and internal security is the fact that police officers are largely untrained and often unreliable. The international community established training programs to improve the quality of the police forces; the programs have trained a large number of police officers. The Ministry also has a small force of well-trained and effective police officers organized into special duty units. During the year the Government reestablished law and order in areas of the country that had been almost totally beyond central government control since 1997. Police waged major operations in the districts of Tropoja, Vlora, Shkoder, Burrel, Fier, and Gjirokaster, where criminal gangs were active. The Ministry claims that it broke up at least 32 criminal gangs. Serious problems in the area of policing remain nonetheless. The police are affected by, and are sometimes part of, the country's endemic corruption. The National Intelligence Service (ShIK) is responsible for both internal and external intelligence gathering and counterintelligence. The armed forces did not have a role in domestic security until 1998, when a special 120-man "commando" unit was authorized. The new unit operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the Minister of Public Order can request command authority over the unit. The police committed human rights abuses.

Albania is a poor country in transition from central economic planning to a free market system, and many issues related to privatization, ownership claims, and appropriate regulation of business are not yet resolved. The country experienced slow but stable progress in its recovery efforts from the collapse of 1997 and turmoil of 1998. The inflation rate dropped from about 10 percent during 1998 to close to zero in 1999. Gross domestic product (GDP) grew by about 8 percent. The official unemployment rate was 18 percent, a slight increase from the 17 percent of the previous year. With two-thirds of all workers employed in agriculture—mostly at the subsistence level—remittances from citizens working abroad are extremely important, as is foreign assistance. The GDP may be underestimated because considerable income also is thought to be derived from various organized and semiorganized criminal activities. A variety of other unreported, noncriminal activities, such as unlicensed small businesses, along with the Government's inability to collect fully accurate statistics, also contribute to the GDP's underestimation.

There continued to be problems in the Government's human rights record in several areas; however, there were some improvements in a few areas. The opposition Democratic Party continued to allege that the Government was responsible for the murders of some of its members during 1998 and made additional allegations re-

garding alleged murders during 1999. The police beat and otherwise abused suspects and prisoners, and there were deaths in custody. The Democratic Party often legitimately complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. The police at times arbitrarily arrested and detained persons. Prolonged pretrial detention is a problem. The judiciary is inefficient and subject to corruption and executive pressure. There were complaints of unqualified and unprofessional judges and credible accounts of judges who were intimidated or bribed by powerful criminals. The Government often infringed on citizens' privacy rights. Government respect for freedom of speech and of the press improved; however, police at times beat journalists, and academic freedom was constrained. These improvements were largely offset by the Government's continued passive approach to basic law enforcement: in too many instances crime, corruption, and vigilantism undermined the Government's efforts to restore civil order. The country hosted nearly 450,000 refugees from neighboring Kosovo during the violent conflict and NATO military action in that province. Violence and discrimination against women, trafficking in women and children, and child abuse were significant problems. Discrimination and violence against religious and ethnic minorities, particularly against Roma, remained problems. The Government took some steps to improve the treatment of ethnic minorities. Child labor is a problem. Vigilante action resulted in many killings.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no confirmed cases of political killings by the Government, despite repeated claims by the main opposition party that its members were harassed, beaten, and sometimes murdered by government agents. The Democratic Party claimed that over 21 members, supporters, local government officials, and former national party officials were killed during the 2 years that the Socialists were in power (1997–99). The Party claimed that at least three of its members were killed during 1998: The chairman of the local branch of the Democratic Party of Kish-Arra village of Shkoder, the deputy chairman of the polling station in the Gjinar commune of the Elbasan district, and the chairman of the Democratic Party branch of Boric village in Malesia e Madhe. The Democratic Party accused the Government of failing to investigate these crimes, noting that no suspects were tried for the murders. The Democrats asked for the creation of an independent investigatory group that would oversee the investigation of these crimes (which the Party considers to be political).

Police committed extrajudicial killings. In January a 19-year-old man from Elbasan, Kastriot Bega, was arrested by police on charges of murder. He was taken first to the police station and later to the hospital, which he reached in critical condition, and died soon thereafter. The police claimed that he died a natural death, but the hospital staff said that his body bore multiple marks from beating and mistreatment. In December Bardhyl Balliu, a Kavaje citizen, was detained by the Tirana police force; he died in police custody while awaiting trial.

The country continued to experience high levels of violent crime. When Minister of Public Order Spartak Poci took office in May, he estimated that overall crime had increased by 20 percent compared with the previous year; violent crime rose by 28 percent, and murder by 16 percent. The press reported in June that the house of the Prefect of Shkodra was blown up; he was not at home at the time.

Ministry of Public Order statistics show that 432 murders took place throughout the country during the year; 62 of them were in Tirana. The February 21 murder of a prominent lawyer, Kleanthi Koci, who was chairman of the Association of Defense Attorneys, led to a large public demonstration at his funeral against crime, which was an expression of public frustration with the lack of order and security in the country. On June 10, near Bajram Curri, two employees of the Organization for Security and Cooperation in Europe (OSCE) were killed; their official vehicle was ambushed by gunmen along a rural road. The OSCE closed its office in Bajram Curri following the incident.

Shelling across the border by Serbian military forces killed several persons. For example in April Serbian artillery fire killed 2 persons and wounded 12 others in the towns of Tropoja and Padesh. Two persons were killed in May in the small border village of Cahani.

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuse of detainees, and all stations were overcrowded. There were at least two deaths of suspects in police custody (see Section 1.a.).

There were a number of reports of police violence. The Socialist Party newspaper Zeri i Popullit on June 1 described a violent raid in May by the police in the village of Spotalte in Lushnje. Ministry of Interior special forces reportedly were looking for a criminal, but when they failed to find him they brutally mistreated members of the community; police beat persons and made unauthorized searches of houses. They allegedly arrested two villagers and stole money from local residents. The press reported a similar incident in the town of Cerrik, where dozens of persons voiced their protest against police violence, which also apparently was directed at the community due to its alleged ties to organized criminal gangs.

According to the Democratic Party, Besnik Jaku, the leader of the Tirana University student hunger strike was beaten in police custody in December 1998. In April Besim Biberaj suffered multiple broken bones while illegally detained for 3 days at a Tirana police station.

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

The majority of police officers receive little or no training. Western governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights. These training and education programs began to improve the level of professionalism of the police, but the overall performance of law enforcement remained weak.

Police corruption remains widespread. Sources in the Ministry of Interior stated that more than 491 police officers were fired from their jobs during the year because of incompetence, lack of discipline, or violations of the law.

Prison conditions remained poor, although they improved during the year with the construction of new prisons and the repair of old ones. While the Government financed much of this work, it has also received international assistance, particularly from European Union (EU) countries. All prisons were destroyed or severely damaged in 1997 when armed groups stormed them and released the prisoners. The Government reopened 8 prisons (housing over 1,000 inmates), but the existing facilities are inadequate to house properly all current prisoners. Overcrowding created very difficult living conditions.

In previous years, as a result of the overcrowding in prisons, juvenile and adult inmates shared cells. The Government took steps during the year to separate them. The Ministry of Justice ordered the construction of a new facility for juvenile inmates in Kruje and sought foreign assistance to complete this project. The opening of the new prison in Lezhe (with a capacity of 800 inmates) is expected to help reduce overcrowding and facilitate the process of repatriating Albanian prisoners from foreign prisons, mainly from Greece and Italy. (More than 2,000 Albanians are serving sentences in Greek prisons, and over 1,500 others are serving sentences in Italian prisons.) By year's end the prison's construction was more than 70 percent completed; its completion date was unknown. In 1998 the first five inmates were transferred from Greek prisons to Albanian prisons. Another 35 requests for transfers were filed with the Greek Ministry of Justice. Family visitation is allowed.

The Government has cooperated with the International Committee of the Red Cross and with other nongovernmental organizations (NGO's) and has improved access for prison inspections.

d. *Arbitrary Arrest, Detention, or Exile.*—Police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer, the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney.

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

The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. In practice lengthy pretrial detention is a problem. Delayed investigations are also a serious problem, and the cases of many detained persons exceed the time limits set by law. In September a Democratic Party paper alleged that three persons from the northern city of Kukes were held in police custody for more than 16 months without trial.

The Democratic Party claimed that the Government detained and sent to prison dozens of its supporters during the year. Some of them were victims of cruel and inhuman treatment (see Section 1.c.).

There were no clear cases of detainees being held for strictly political reasons, but several notable arrests appeared to be motivated by politics as well as by law enforcement interests. In September 1998, the police arrested a number of persons associated with the Democratic Party who participated in the events of September 14, 1998, and prosecutors charged them with taking part in an "armed rebellion" and in "a failed coup d'etat" (also see Section 1.e.). The Democratic Party complained that the arrests were purely political, which is a claim highlighted by the presence of the chairman of the Monarchist Legality Party, the third largest political party in the country, among the arrestees. The case had not come to trial by year's end.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption all weaken the judiciary's ability to function independently and efficiently. Corruption remains a serious problem, especially with the growth of organized crime, and judges are subjected both to bribery attempts and intimidation.

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

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

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

The President of the Republic nominates the President and Vice President of the Supreme Court, and the Parliament elects all of the Supreme Court's justices. The President selects four of the nine members of the Constitutional Court; five are elected by the Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court. According to the law, dismissal only may be ordered after conviction for a serious crime or for mental incompetence. In May the Chief Judge of the Supreme Court was dismissed 3 years before the expiration of his mandate. The Parliament judged that the mandate of the Chief Judge had ended because of the entry into force of the new Constitution; the Chief Judge claimed that the term of his mandate had not ended and that he had 3 more years to serve. He filed charges with the Constitutional Court against the decision of the President and the Parliament. The Constitutional Court found the decision to be in accordance with the law and approved the removal. He then took his case to the European Court of Human Rights. The opposition criticized his removal and claimed that it was anticonstitutional and illegal. In 1998 three other judges were nominated to be members of the Supreme Court without the prior experience required under the Constitution. These judicial candidates openly maintain ties to the ruling party.

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

Under the 1998 Constitution, the President appoints the prosecutor general with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the prosecutor general.

Parliament approves the courts' budgets and allocates the funds. Each court may determine how it wishes to spend the money allocated to it. The Justice Ministry provides and approves administrative personnel.

Courts operate with very limited material resources. As a result, in many instances the court system was unable to process cases in a timely fashion. Public opinion holds the judiciary, in particular, responsible for government failure to stop criminal activity. In July police forces in Shkoder, the country's third largest city, blocked the main entrance of the District Court and did not allow officers of the court to enter the building as a sign of protest following the court's release of suspected criminals who were detained by the police. The judge and prosecutors argued that this protest constituted intimidation and violated the court's independence. The situation was defused relatively quickly and without complications, but it brought to light the serious problems that the judicial system faces. A tense atmosphere exists between the police and the judiciary. Each side cites the failures of the other as the reason that many criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts.

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

The Democratic Party also asserted that the chairman of the Legality Party (the Monarchists), Ekrem Spahia, and 12 members and supporters of this party are being tried unfairly for participation in the events of September 14, 1998, which followed the murder of the Democratic Party parliamentarian, Azem Hajdari, by unknown persons. The Democrats believe that all these individuals are being imprisoned for political reasons.

Fatos Nano, the former Prime Minister, was acquitted of charges of corruption and abuse of power by a Tirana court on October 5. A court spokesman said that the court decided that a 12-year sentence given to him 5 years ago was "not based on facts."

Local human rights groups and the political opposition complained about procedural violations in the legal case against six former government officials, including the former Ministers of Defense and the Interior, who were charged in August 1998 with crimes against humanity for their role in suppressing the popular uprisings in 1997. In February the Government released them from house arrest but still had not tried them by year's end.

On March 22, a Tirana court ordered that Vlora gang leader Zani Caushi be released from jail. Observers suggested that Caushi's friends in Vlora intimidated some of the witnesses in his case, while the opposition press accused the Socialist Party of having links to Caushi and therefore seeking to ensure his release. Seven other members of Caushi's gang received prison terms of between 3 and 15 years for crimes ranging from armed robbery to kidnaping.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the individual person, of dwellings, and of the privacy of correspondence; however, the Government often infringed on these rights. Police often conduct searches without first obtaining warrants. The Democratic Party claimed that in August the police surrounded the house of a Democratic Party Member of Parliament, Myslim Murrizi, and later broke into his house and terrorized his family. The police confiscated two properly licensed hunting guns owned by the family. In February DP opposition leader Sali Berisha reported that a court ordered that his telephone be wiretapped. Justice Minister Thimio Kondi said that wiretapping is legal and denied that the authorities had political motives for wiretapping Berisha's telephone.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respected these rights; however, police at times beat journalists. The media are active and unrestrained but have developed little sense of journalistic responsibility or professional integrity. Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated

accusations, and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting.

Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. An estimated 200 publications are available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Five newspapers and two magazines are published in Greek in the south. A difficult economic situation, coupled with readers' distrust of the press, resulted in a significant drop in newspaper sales during the year. The total daily circulation of all newspapers dropped from about 75,000 copies to less than 65,000 copies. This came after a drop in 1998 from 85,000 to 75,000 copies. Newspaper and magazine publishers considered 1999 a very bad year for circulation and readership. The opening of many new private radio and television stations, as well as an increase in the price of newspapers and magazines, are the main reasons for this sharp fall in circulation.

In May state-run radio and television was converted into a public entity. Its outlets provide the most widespread and universally accessible domestic programming. This entity no longer is financed by the State and has no direct connection to the Government. Rather, it is run by the Leading Council of Radio and Television, a body elected by the Parliament.

Fifty private television channels and 30 private radio channels operate, unregulated, all over the country. The wide availability of satellite dishes provides citizens with easy access to international programming. The Government established new licensing procedures during the year to promote a more stable broadcasting environment. The Parliament created the National Council of Radio and Television, which is responsible for issuing private radio and television licenses. The Council consists of seven members: Three members appointed by the ruling parties, three members from the opposition parties, and one member appointed by the President. The chairman serves a 6-year term while other council members are elected to 5-year terms. As of September, the opposition had not yet proposed its members for both councils. The licensing of private radio and television stations had not yet begun by year's end.

Attacks on journalists continued—both beatings by the police and assaults by unknown assailants. According to human rights NGO's, in July police officers in Elbasan mistreated two journalists of the independent Koha Jone. In September two persons attacked and maltreated a Koha Jone journalist in Vlore. In September the independent press accused the Tirana chief of police of violence against a cameraman from a private television channel who was filming a murder victim downtown. The cameraman allegedly was beaten by the police on orders of the chief of police who was present at the scene. Unidentified gunmen seriously injured journalist Vjollca Karanxha while she was filming in Pogradec on November 22. Karanxha is a reporter for the local radio and television station and often has written about the role of local officials in smuggling and corruption.

Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications. The Government maintains that changes in university staffing are made on the basis of merit. The Tirana University hunger strike, begun in December of 1998 to protest the Government's indifference towards the poor living conditions at the university, ended after 2 weeks.

b. *Freedom of Peaceful Assembly and Association.*—The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly, and the Government generally respected this right in practice. According to the law, organizers must obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. In practice rallies and demonstrations were very common. The Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, in some cases individuals claimed that the police or secret agents of the ShIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies.

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. According to the 1998 Constitution, there is no official religion, and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, to own property and buildings, and to function as juridical persons based on their historical presence in the country. Religious movements—with the exception of the three de facto recognized religions—can acquire the official status of a juridical person only by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

The majority of citizens are secular in orientation after decades of rigidly enforced atheism. Muslims, who make up the largest traditional religious group, adhere to a moderate form of Sunni Islam. The Albanian Autocephalous Orthodox and Roman Catholic Churches are the other large denominations. The Albanian Orthodox Church split from the Greek Orthodox Church early in the century, and adherents strongly identify with the national church as distinct from the Greek Church. The current archbishop is a Greek citizen, even though the Albanian Orthodox Church's 1929 statute states that all its archbishops must be of Albanian heritage, because there are no Albanian clerics qualified for this position. Bektashis, (Muslim believers who adhere to a very loose form of Islam), form another large denomination in the country.

Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, Jehovah's Witnesses, Mormons, and many others freely carry out religious activities. The Religious Council of the State Secretariat, an office that functions under the Prime Minister's authority but that has no clear mandate or decisionmaking power, was renamed "The State Committee on Cults" in September. The Committee chairman is to have the status of a deputy minister, and this office is to coordinate all issues connected with religion and the State. This office estimates that there are 12 different Muslim societies and groups with approximately 324 representatives throughout the country and more than 79 Christian societies and sects with 344 missionaries representing Christian or Baha'i organizations.

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

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

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

A pressing problem that arose as a result of uncontrolled internal migration is the problem of local registration and status. A survey conducted by an NGO, The Society for Democratic Culture, from April to August highlighted the fact that many families (the numbers vary from hundreds to thousands) moved from the poor northeast to more prosperous zones and are no longer registered at all. The survey conducted covered three pilot zones: An area near Durres with 15,000 inhabitants, an area in the Vlore district with 12,000 inhabitants, and a Tirana area with over 20,000 inhabitants. The survey found that during election campaigns, these citizens are registered as inhabitants of these zones and thus are permitted to vote; however, in the period between elections, these citizens are not considered inhabitants of these zones and are denied even basic education. In many educational institutions, students must have, among other documents, an official document from the district that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from these areas from attending school.

Citizens who fled the country during or after the Communist regime are welcomed back, and if they lost their citizenship they may have it restored. Albanian-born citizens who emigrate may hold dual citizenship.

The Constitution gives foreigners the right of refuge in the country, and a 1996 asylum law includes provisions for granting refugee or asylee status. The Government accepts the entrance of refugees, does not expel those with valid claims to ref-

ugee status, and works with the international community to provide housing and support for them. It also provides first asylum. Over 450,000 Kosovar Albanians were afforded refuge during the Kosovo crisis, finding shelter with extended family or in facilities operated by the U.N. High Commissioner for Refugees (UNHCR) or other international entities. The Government cooperated with the UNHCR and others to provide support to the refugees.

Organized criminal gangs have made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—into a lucrative business. Italy is the most common destination. The Government claims that it has taken steps to combat the problem, but that a lack of resources hinders its efforts. Italian military and border patrol squads operate in various coastal zones in an effort to stop the flow of illegal immigrants. Individuals who become stranded in Albania while trying to use this illegal pipeline are eligible for a "care and maintenance" program run by the UNHCR and the Albanian Red Cross and can have their cases evaluated by UNHCR officials. 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 states that "Governance is based on a system of elections that are free, equal, general, and periodic;" citizens elected a government in 1997 in what international observers considered to be a satisfactory process, given the proceeding months of chaos and anarchy.

The main opposition group, the Democratic Party, boycotted the Parliament throughout most of the year, refusing to participate in virtually all government functions at the national level. Top DP officials, including former president Sali Berisha, refused to testify in the investigation into the September 1998 killing of DP parliamentarian Azem Hajdari, stating that the investigation was politically motivated. The DP, led by Berisha, returned to the Parliament in July after the Government committed itself to investigate Hajdari's murder fully and fairly.

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

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

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

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

In February the Parliament ratified a new law to create the country's first national human rights ombudsman; however, no one had been appointed to the post by year's end.

A wide variety of international human rights NGO's visit or operate within the country with the cooperation of the Government and generally without restriction. These organizations are free to publish and disseminate their findings, including criticisms of the Government. The Government also cooperates with the United Nations and other international entities on human rights issues. During the Kosovo conflict and the influx of refugees into Albania, the number of NGO's active in Albania increased several fold. The Government played a key role in facilitating and coordinating their work.

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

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

Women.—Violence against women and spousal abuse still occur in this traditionally male-dominated society. Cultural acceptance and lax police response result in most abuse going unreported. No government-sponsored program protects the rights of women. An NGO maintains a shelter in Tirana for abused women, but the facility has the capacity to house only a few victims at a time. The same NGO also operates a hot line that women and girls can call for advice and counseling. The line received thousands of calls during the year. The UNHCR reported some cases of rape and sexual assault of Kosovar Albanian women in refugee camps. The concepts of marital rape and sexual harassment are not well established, and most such acts would not be considered crimes.

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

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

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

Children.—The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or age 18, whichever comes first); however, in practice many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. A study by the Albanian Helsinki Committee noted that a few thousand children, largely from the underdeveloped northeast of the country, were forced to quit school because their families were involved in "blood feuds" that endangered the safety of even minor family members.

Child abuse is a little-reported problem, but the authorities and NGO's believe that it exists. Trafficking in children is a problem (see Section 6.f.). Criminals may kidnap children from families or orphanages to be sold to prostitution or pederasty rings abroad. Within the country, Romani children often work as beggars, and the police generally ignore the practice.

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

Religious Minoritites.—The Archbishop of the country's Orthodox Church has noted incidents in which the Orthodox and their churches or other buildings have been the targets of vandalism. There were reports that a number of Orthodox churches in the south were burned. The Albanian Helsinki Committee issued a report on August 26 stating that unknown persons damaged or desecrated more than 10 Orthodox churches and monasteries in 1998 and 1999. In January a Greek Orthodox church was burned to the ground. In July a Greek Orthodox church in Ksamil was desecrated with human feces smeared on icons, then set on fire. Also in July, a Greek Orthodox church in Metohi was burned down.

The Sunnis and Orthodox Christians consider Baha'is to be a threat and exercise increasing pressure on authorities to ostracize them. In a press interview, Hazhi Hafiz Savri Koci, the leader of the Sunni Muslim community, declared that "the virus of pseudo-religions, such as the Baha'i Faith, has infiltrated our weak body. We are at war with them, because they are trying to corrupt our souls through the power of money, spreading religious beliefs and superstition that are totally alien to the Albanian character and tradition."

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

Greek-language public elementary schools are now common in much of the southern part of the country, where almost all ethnic Greeks live. However, there are no Greek-language high schools. There is a Greek chair at the University of Gjirokaster. The Greek minority association, known as Omonia, continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of southern Albania. The organization also complained that a number of Orthodox churches in the south (mainly in areas inhabited by the Greek minority) were burned in acts of ethnic violence. The organization reported that during 1998, more than 14 persons, mainly from the ethnic Greek minority, were kidnaped and held for ransom. This organization appealed to the Government to take measures to stop what it called "attacks against the ethnic Greek minority."

Classes in the Macedonian language are available to students in the districts of Pogradeci and Devolli on the border of the Former Yugoslav Republic of Macedonia (FYROM). The FYROM Government provides texts for these classes. A small group of ethnic Montenegrins and ethnic Serbs exists in the north. No discrimination was reported against the Vlachs, who speak Romanian as well as Albanian, or against the Cams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south.

Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel), are established in the country. The Jevg tend to be settled in urban areas and are generally more integrated in the economy than the Arrixhi. Roma are clearly the most neglected minority group. Broadly speaking, they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much societal discrimination, but generally neither the police nor individuals target Roma for violence.

Section 6. Worker Rights

a. *The Right of Association.*—Workers have the right to form independent trade unions. The 1993 Labor Code established procedures for the protection of workers' rights through collective bargaining agreements. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (127,000 members) and the Confederation of Trade Unions (80,000 members). Both organizations experienced a drop in membership during the year. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The Law on Major Constitutional Provisions and other legislation provide that all workers except the uniformed military, the police, and some court officials have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political. The two unions organized a number of national and local strikes during the year. Major strikes were carried out by the teachers, drivers, health workers, and miners unions. In June Tirana airport ground staff went on strike; they returned to work after receiving a 30 percent salary increase.

Government statistics indicated that approximately 330,000 workers were employed formally (111,000 in the private sector and 213,000 in the public sector) and that an additional 761,000 persons worked in agriculture. A total of 235,037 persons were registered as unemployed. The official unemployment rate was 18 percent during the year.

Unions are free to join and maintain ties with international organizations, and many do.

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

Labor unions did not operate from a position of strength, in view of economic conditions, which consisted of very high unemployment, slow recovery from the economic collapse, and extensive destruction of economic infrastructure due to recurrent episodes of violence and looting. Effective collective bargaining in these circumstances is very difficult, and agreements are hard to enforce.

There are no functioning export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Law on Major Constitutional Provisions and the Labor Code prohibit forced or compulsory labor, and generally it is not known to occur; however, traffickers kidnap women for prostitution, and family members sell daughters, sisters, and wives to traffickers against their will (see Section 6.f.). The law also forbids forced or bonded labor by children, and the Government generally enforces these prohibitions; however, there were reports that children are trafficked and forced to work abroad as prostitutes or beggars (see Section 6.f.).

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

The Ministry of Labor may enforce the minimum age requirements through the courts, but no recent cases of this actually occurring were known. In Tirana and other cities it is common to see children selling cigarettes and candies on the street. The law forbids forced or bonded labor by children, but there were some reports of such practices (see Sections 6.e. and 6.f.).

e. *Acceptable Conditions of Work.*—The legal minimum wage for all workers over age 16 is approximately $50 (6,750 lek) per month, which is not sufficient to provide a decent standard of living for a worker and family. Many workers look for second jobs, which are difficult to find. Remittances from those working abroad are very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector is approximately $100 (13,500 lek) per month.

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

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

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

f. *Trafficking in Persons.*—No laws criminalize trafficking in persons, although antikidnaping laws may be used to prosecute such cases.

Trafficking in women and girls for the purpose of forced prostitution is a significant problem. The country is both a significant transit and source country for such trafficking. NGO's estimate that there are 30,000 Albanian women currently working abroad as prostitutes. The country is also a major conduit for trafficked women from Bulgaria, Moldova, Romania, Russia, and Ukraine. Criminal gangs recruit or coerce women to work as prostitutes abroad, most often in Italy and Greece. There are also reports that traffickers kidnap women for prostitution and that family members sell daughters, sisters, and wives to traffickers against their will.

The Government has had only periodic success in arresting the criminal organizers. During the year there was a shift in the prostitution network. Albanian traffickers began to recruit prostitutes from other East European countries, mainly from Moldova, Ukraine, Russia, and Bulgaria. These young women are "bought" for a price of $1,000 to $3,000 from international traffickers and forced into prostitution in Western European countries, mainly Italy and Greece. The Albanian police detained a large number of such prostitutes and arrested some of the Albanian traffickers, but no suspects were tried in connection with these crimes. In February police dismissed an officer who was involved in a network that smuggled illegal immigrants into the country via Rinas airport. In August police cracked a network that was smuggling prostitutes from Russia, Moldova, Ukraine, and Romania via Alba-

nia to Italy. Police detained 13 prostitutes and three men in a motel near Shodra. Also in August, Prosecutor General Arben Rakipi said that Italian Mafia bosses actively were engaged in trafficking in Albania; in July Albanian police arrested Giuseppe Muolo of Sacra Corona Unita, a Mafia group in southern Italy.

Anecdotal evidence gathered from victims outlines the trafficking process. Organized crime groups responsible for trafficking in persons have the power to move their victims easily from one place to another without intervention. These traffickers steal the victims' identification documents so that they have no freedom of movement. Cases have been reported in which trafficked women and girls were raped, sexually assaulted, beaten, and injected with heroin. Women and girls have reported that they have been isolated, infrequently fed, and denied sleep. Women and girls who are able to escape their traffickers face rigid notions of family honor upon their return to their communities, which make it extremely difficult for them to marry or continue their lives as before.

Trafficking in children is also a problem. Criminals may kidnap children from families or orphanages to be sold to prostitution or pederasty rings abroad. In May gangsters belonging to a prostitution ring in Vlora killed a 16-year-old refugee girl in a kidnap attempt. Children also are forced to work as beggars.

A number of women's associations and NGO's are seeking to raise public awareness of prostitution and related crimes. Most of the work done to assist trafficked women is performed by small, local NGO's, consisting of one to five women who work with few resources and almost no external support. One NGO organized a national seminar on this issue and prepared a TV documentary on trafficking in women. The campaign waged by this NGO, "Stop the Trafficking of Albanian Women," was aimed at sensitizing the public to this serious problem. In July 1998, a major conference was held in Tirana on "Trafficking in Albanian Women and Children: Human Dimensions and Legal Responses," which was attended by 130 participants, including NGO's, journalists, judges, prosecutors, and government officials. In September the International Organization for Migration and the British Department for International Development held a workshop to address the problem of trafficking; national and international NGO's attended.

ANDORRA

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

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

The market-based economy is dependent on those of its neighbors France and Spain. Andorra is recovering from a serious economic recession, but the economy provides citizens with a good standard of living. Tourism is still an important source of income. Because of banking secrecy laws, the financial services sector is growing in importance.

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

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

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

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice. Since adoption of the 1993 Constitution, the Government has registered seven political parties.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the state, "in accordance with Andorran tradition." The Catholic Church receives no direct subsidies from the Government. Catholic religious instruction is provided in public schools to those students who elect to receive it. Recent governmental attempts to eliminate this practice met with resistance from parental groups and the Spanish Co-Prince.

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

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

Progress has been made, but women continue to play a relatively minor role in politics. Despite the absence of formal barriers, few women have run for office. Only 2 of 28 Members of Parliament are women, and only 2 women occupy cabinet level positions. Prior to the current administration, only two women held elective office.

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

The Government accepts international and nongovernmental investigations of allegations of human rights abuses. During 1998 the first two domestic human rights groups were formed. One defends the rights of foreign residents; the other actively supports women's rights. However, the Government declined to create a secretariat of women's affairs, as the latter association requested.

In one case, a citizen filed a complaint with the European Court of Human Rights when the judge in his case disallowed his appeal to the Constitutional Court. The appeal contended that his trial was not sufficiently impartial.

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

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

Women.—Little data exist regarding marital abuse, although the police received four complaints of physical or psychological abuse during the year.

In theory there is no legal discrimination against women, either privately or professionally, but the Association of Andorran Women reports that in practice, there

have been many cases of women dismissed from employment due to pregnancy. The Association actively promotes women's issues through information exchanges and limited direct support to those in need.

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

There is no societal pattern of abuse of children.

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

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

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

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

Section 6. Worker Rights

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

b. *The Right to Organize and Bargain Collectively.*—The Constitution states that both "workers and employers have the right to defend their own economic and social interests." Parliament is charged with adopting legislation to regulate this right in order to guarantee the provision of essential services. Antiunion discrimination is not prohibited under the law. A police trade union was registered during the year. It is the first such association to exist in the country.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor, including that performed by children, is not specifically prohibited by law, but it has not occurred.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Children under the age of 18 normally are prohibited from working, although in exceptional circumstances children ages 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor enforces child labor regulations. Forced and bonded labor by children is not prohibited specifically, but there were no reports of its practice (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The workweek is limited to 40 hours, although longer hours may be required. The legal maximums for overtime hours are 66 hours per month and 426 hours per year. An official minimum wage is set by government regulations. Other, higher wages are established by contract. The minimum wage is approximately $4.20 (641 pesetas) per hour, and the Labor Inspection Office enforces its observance. The minimum wage barely provides a decent standard of living for a worker and family. Workers can be dismissed with 15 days' to 6 months' notice depending on how long they have been working for the company. A minimal indemnification of 1 month's salary per year worked is paid if a worker is fired without justification.

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

The Labor Inspection Service sets occupational health and safety standards and takes the necessary steps to see that they are enforced. The law authorizes employ-

ees to refuse certain tasks if their employers do not provide the customary level of protection.

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

ARMENIA

Armenia has a constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multicandidate election in 1998 after former President Levon Ter-Petrossian was forced to resign in February by his former political allies in the Government and Parliament. Then President Ter-Petrossian's reelection in 1996 was flawed by numerous irregularities and serious breaches of the election law. There also were serious flaws in both rounds of the 1998 presidential elections. Organization for Security and Cooperation in Europe (OSCE) observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. It appears that ballot box stuffing, discrepancies in vote counts, a large number of unauthorized persons in polling stations, and other fraud perpetrated by local power structures inflated the number of votes for Kocharian. Nonetheless, the 1998 elections and the May parliamentary and October municipal elections showed continued improvement with respect to voting practices and vote-counting as well as to the ability of a pluralistic group of candidates to campaign freely. Although irregularities marred both the parliamentary elections and local elections, OSCE observers categorized the former as an step toward compliance with OSCE commitments, but stated that they still failed to meet international standards. Observers reported that the situation was much improved in terms of ending ballot box stuffing and overt intimidation by supporters of various candidates; however, they still noted problems in many precincts with inaccurate or obsolete voting lists, the presence of unauthorized personnel during the voting and counting processes, and possible irregularities involving voting of military personnel. Some local observers reported that municipal elections also were flawed. The Parliament differs from previous ones in two important ways: First, members are required to serve full-time and not to hold jobs outside the legislature; and second, the number of seats was reduced from 190 to 131. The current parliamentary majority usually votes in support of the Government. The legislators do not always represent effectively either the needs of their constituents or the existing political party composition, although they do so more effectively than in previous parliaments. The current majority, made up of a coalition, called Unity, of the two largest parties, the Peoples' Party and the Republican Party, also attracts the votes of most deputies elected as independents. Although the leaders of both parties were killed in the October 27 terrorist attack on parliament, this did not appear to affect the continuity of their coalition by year's end. The legislature approves new laws, must confirm the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legislation. The Constitution provides for an independent judiciary; however, in practice, the courts are subject to pressure from the executive branch and corruption.

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

The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector still is not functioning at full capacity and its output remains low. Unemployment remains high, resulting in a high degree of income inequality, but the exact figure is difficult to quantify. This is because a significant amount of economic activity, perhaps as much as 40 percent, is not captured by government accounting or taxation; unemployment is approximately 50 percent. Women form a disproportionately large number of the unemployed. Most small and medium-sized enterprises have been privatized, as has most agricultural land. About 75 percent of landowners now have secure title to their land. The gross domestic product (GDP) fell slightly to about $590 per capita. Inflation fell to 2.1 percent for the year. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy, although the financial crisis in Russia, where many Armenians went to look for work, cut deeply into the flow of remittances. The Government is working to resolve its current budget crisis

through increased taxes on gasoline and imported tobacco, as well as through cuts in most areas of government spending.

The Government's human rights record was poor in several important areas, and problems persist. Substantial intervention by local power structures in the election process continues to restrict citizens' ability to change their government peacefully. Members of the security forces committed extrajudicial killings, routinely beat detainees during arrest and interrogation, arbitrarily arrested and detained persons without warrants, and did not respect constitutional protections regarding privacy and due process. Impunity remains a problem, and the Government rarely investigates abuses by members of the security forces. Prison conditions are harsh and life threatening, and lengthy pretrial detention is a problem. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. There are some limits on press freedom, and many journalists practice self-censorship. State television, which refrains from criticizing government policy, remains the major source of news for most of the population, but independent television and newspapers, along with private radio stations, offer substantial competition. The nongovernmental media often criticize the country's leadership and policies. Burdensome registration requirements hinder freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church. Registration requirements for religious groups kept Jehovah's Witnesses from operating legally, and eight members of Jehovah's Witnesses are in jail for refusing military service; three more arrested on those charges were released on bail. The Government places some restrictions on freedom of movement. Discrimination against women, the disabled, and minorities remains a problem.

After his election, President Kocharian appointed an opposition presidential candidate to head two presidential commissions charged with improving human rights and reforming the Constitution to create a more even balance of power among the legislative, executive, and judicial branches. A subsequent commission on balancing the powers of the three branches of government presented several proposals that would weaken the influence of the executive over the other branches. These proposals are scheduled to be voted upon in a national referendum in May 2000. To date the Human Rights Commission has submitted a number of proposals, one of which is establishment of an office of ombudsman; however, there was no action taken on the ombudsman proposal by year's end.

On October 27, five terrorists entered the National Assembly and opened fire, killing the Prime Minister, the Speaker of the National Assembly and six other Members of Parliament and wounding at least five more persons. Investigation of the killings, conducted by the Deputy Prosecutor General, was continuing at year's end. Fifteen persons were detained for interrogation, including a Deputy of the National Assembly, a former presidential chief of staff, and the deputy chief of state television. Defense attorneys and the press accused the Deputy Prosecutor General of using coercion, including physical abuse of the accused, to extract evidence, and President Kocharian expressed concern that the rights of the accused be respected.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by police or security forces during the year; however, there were numerous reports of extrajudicial killings. Local human rights groups reported five cases of death in custody as result of beatings and torture. Oleg Arishin, who died on April 27, and Stepan Gevorgian, who died on April 15, had been charged with robbery and assault. During the trial, Gevorgian filed motions of mistreatment that were rejected by the court; his family stated that his corpse revealed clear evidence that he was beaten severely. Yerevan native Arsen Stepanian was taken to a district police headquarters in July to testify on a dispute with a representative of the local electric power net. Stepanian died several hours later at home; post mortem examination confirmed that he had suffered broken bones and a heart attack. No one was charged in these deaths. On October 12, the International Helsinki Federation requested that President Kocharian investigate these cases; however, by year's end, no legal action was taken.

Two other cases of death in custody involved Edward Vardanian, who allegedly committed suicide during interrogation at the police precinct in the city of Abovian in March, and Artush Ghazarian, military commissar of the city of Tashir, who allegedly died of beatings in September while in custody during his interrogation on unspecified charges.

There was a significant number of deaths of military servicemen reportedly due to mistreatment (see Section 1.c.).

Prison conditions are harsh and life threatening and medical treatment is inadequate. Three were a number of deaths due to disease (see Section 1.c.).

Charges against five police officers for a 1993 death, a case repeatedly remanded for investigation by the Supreme Court, were never pressed despite assurances by a previous Prosecutor General.

On October 27, five terrorists opened fire on a session of the National Assembly with automatic weapons. They killed the Prime Minister, the Speaker of the National Assembly, the two Deputy Speakers, the Minister for Special Projects, and three Deputies, and wounded the Minister of Privatization and four other Deputies, some critically. The gunmen claimed that they intended to kill only the Prime Minister, and that the other victims died in a cross-fire with guards, although video footage clearly showed the terrorists firing into victims in other parts of the room. Announcing that they were carrying out a coup against alleged corruption in the Government, they then held approximately 150 hostages inside the Parliament building, gradually releasing them during the night.

On the morning of October 28, the terrorists released about 50 remaining hostages and surrendered to security forces. According to their reported statements, their motives were related to frustration over the direction in which the country was going, but also may have included personal grievances. Security at the Parliament building, which was handled by special parliamentary guards, was extremely lax, and criticism mounted, including from the Ministry of Defense, against the Ministers of National Security and of Interior and the Prosecutor General; the two latter officials submitted their resignations on October 29. Their resignations were subsequently were accepted by the President. The Minister of National Security resigned on November 1, and subsequently was appointed presidential chief of staff. The Deputy Prosecutor General (who is also military prosecutor general) was placed in charge of investigating the killings. Fifteen persons were detained for interrogation by year's end, including a Deputy of the National Assembly (who was stripped of his parliamentary immunity by a vote of that body), a former presidential chief of staff and advisor, and the deputy chief of state television. The investigation was criticized by attorneys for the detainees, by the media, and by representatives of several political parties for reported human rights abuses (see Section 1.c.). Gagik Jahangirian, the military prosecutor who is conducting the investigation into the parliamentary shootings, repeatedly rejected calls for the creation of a special parliamentary committee to ensure an impartial investigation. The chairman of the National Democratic Union, Vazgen Manukian, and other opposition politicians charged the authorities with manipulation of the investigation for political reasons.

On the night of February 9, the body of Artsrun Margarian, Deputy Minister of Interior and National Security and Chief of Internal Troops, was found on the roadside near Yerevan. Margarian's two bodyguards, arrested after his death and charged with homicide, were released from custody in July and not charged for lack of evidence (see Section 1.c.). The third person allegedly involved in Margarian's death, Doctor Hrant Papikian, is charged with not reporting plotted crimes. Court hearings on the Margarian case began in October; however, there was no verdict by year's end.

Margarian's case was one of a number of high-profile murders during the last 2 years that may have been related to corruption or criminal activities. Another case, the murder of Deputy Minister of Defense Vahram Khorkhoruni on December 10, 1998, is still under investigation. The lack of progress on the Margarian and Khorkhoruni cases was one of the reasons given by the Defense Ministry for demanding the resignations of the three major nonmilitary security officials. Investigation of the August 1998 murder of Prosecutor General Henrik Khachatrian by a subordinate was completed; the official verdict was "homicide and suicide."

In June the Prosecutor General's office completed investigation of a criminal indictment against former Minister of Interior and former mayor of Yerevan Vano Siradeghian, former commander of Interior Ministry troops Vahan Harutyunian, and others. Siradeghian's indictment listed 10 counts, including, among other charges, the 1993 murder of Armenian railroad director Hambartzum Ghandilian, the murder of Ashtarak district executive committee chairman Hovannes Sukiasian, and the attempted murder of the chief of the Prosecutor General's investigation department, Vladimir Grigorian, as well as kidnaping and bribery. Court hearings in the Siradeghian case, which also involves 11 other defendants, began in September but were postponed several times at the request of Siradeghian's attorneys. At year's end, the case was in progress in a Yerevan court.

Another Siradeghian-related court case involved the trial of an armed gang led by Armen Ter-Sahakian. Most of the gang members were former Interior Ministry

employees. The gang allegedly was responsible for a number of murders of top officials carried out since the country gained independence, as well as for extortion, robbery, and illegal possession of weapons. At year's end, the trial was in its intermediate stages.

b. *Disappearance.*—There were no reports of politically motivated disappearances. In September the Government unilaterally released three POW's under OSCE auspices; Azerbaijan reciprocated by unilaterally releasing four POW's. In October two more Azeri POW's were released, and still one more was released in December.

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

Local human rights groups reported five cases of death in custody due to torture and beatings (see Section 1.a.).

Attorneys for the five gunmen charged in the October 27 killings in Parliament claimed in the media that the accused were being held in inhuman conditions and were beaten during interrogations. The government-appointed Commission on Human Rights made several attempts to see the prisoners to verify charges that they were being physically abused but was not able to see them. An attorney for National Assembly Deputy Mushegh Movsesian, who was detained in connection with the case, also claimed that his client was beaten, and a parliamentary candidate who examined him agreed. The attorney requested that Movsesian be examined for a severe ulcer from which he reportedly was suffering; the deputy prosecutor general's office agreed to this on December 24.

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

The Government has not conducted investigations of abuse by security services, except in rare cases where death has resulted and under pressure from human rights groups. The number of deaths of conscripts from training accidents and physical abuse decreased by 33 percent between 1997 and September, according to government figures. While this number cannot be verified, based on information from human rights groups the figure of 120 noncombat deaths during the year appears to be accurate. Amnesty International stated that a conscript arrested for being absent without leave was beaten so badly in August 1998 that subsequently he died. The case currently is pending in the Echmiadzin regional court. The military prosecutor's office reported that in September investigations were continuing in 32 cases involving deaths. President Kocharian met in November with the parents of conscripts who died or were injured severely during training and promised them that the cases would be investigated fully. There are no separate military courts (see Section 1.e.). Military cases that go to trial (many are settled administratively) in civilian courts are handled by the military prosecutor's office. Members of the Yezidi ethnic-religious minority complain that "hazing" and beating of conscripts, common throughout the former Soviet Union, are especially severe for conscripts from their ranks.

According to a March letter from the President's Office to Human Rights Watch, the military Prosecutor General or the military Inspector General had fired 18 employees of those 2 offices since July 1997 for violations of criminal procedure leading to suicides or accidental deaths of servicemen. The President's letter also stated that the military Inspector General and Prosecutor General had prosecuted and convicted 80 military officers in 1998 for violations of the military code; 32 were for abuse of power, 3 for murder or attempted murder, 2 for causing suicides, and 2 for causing maiming or severe bodily injury. The Ministry of Defense declined to provide exact details on cases involving national security while the country remained technically in a state of war with Azerbaijan.

Homosexuals complain that police physically and mentally abuse them, especially if they have no means to pay police extortions. Those accused of homosexuality in the military generally are believed to suffer beatings and other physical abuse.

Prison conditions are harsh and life threatening. Facilities are often overcrowded and food is inadequate to preserve health unless supplemented by assistance from families. Medical and sanitary facilities in prisons are inadequate. Tuberculosis and other communicable diseases are common, and there were a number of deaths from such diseases during the year. Although agreement in principle was been reached in 1997 to transfer responsibility for prisons from the Ministry of Internal Affairs to the Ministry of Justice to improve oversight, no action to that effect was taken

by year's end. Physical abuse by guards and by other prisoners is a problem. After a visit to the principal prison in Yerevan for detainees held by the Ministry of the Interior, the head of the Armenia Human Rights Commission reported on December 23 that complaints by prisoners had focused on poor conditions in their cells and on reported physical and verbal abuse by Interior Ministry personnel.

According to his lawyer, Ministry of Internal Affairs staff beat former Minister of Education Ashot Bleyan while he was in prison on August 18. He was awaiting trial on corruption charges (see Section 1.d.).

According to the Armenian Helsinki Association, the two bodyguards of the late Deputy Interior Minister Artsrun Margarian were subjected to torture in February during the investigation into Margarian's death (see Section 1.a.).

The International Committee of the Red Cross (ICRC) had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC is able to visit, according to its standard modalities, any prisoner in whom it has an interest, whether in prisons or in local police stations. Also, the ICRC had regular access to POW's from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security and the military police stations. The ICRC also had access to POW's in Nagorno-Karabakh.

d. *Arbitrary Arrest, Detention or Exile.*—Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. The police frequently imprison detainees without notification of their family members. It often is several days before family members obtain information as to whether someone has been arrested and the person's location. Security agencies often restrict access of lawyers and family members to prisoners until the preliminary investigation phase is complete, a process that can last weeks. During the year, the amount of time that detainees could be held without being charged officially was extended from 72 to 96 hours.

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

Former deputy chief of customs Mihran Movsesian, a relative of detained National Assembly Deputy Musegh Movsesian, told the media that he was called to the Ministry of National Security in early November for questioning about the killings in Parliament. Movsesion said that he was detained for the next 30 days in the Ministry's holding facility for national security cases without being charged, in violation of the legal provision that detainees must be charged within 96 hours. Movsesian then was released without charge and was never given any official explanation for his detention.

Former Education Minister Ashot Bleyan was detained by two law enforcement officials on May 14 after being charged with embezzlement of public funds intended for the purchase of textbooks (see Section 1.c.). Supporters of Bleyan formed a committee for his defense. Human Rights Watch reports that according to his lawyer, he was beaten while in detention by Interior Ministry officials, and Bleyan stated in September that the procuracy official handling the case was present during the beating; the lawyer's report was not confirmed independently.

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

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

The ICRC reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict occasionally engage in cross-border hostage taking, sometimes to win release of a friend or relative held on the other side, but sometimes for financial gain. Such incidents reportedly declined significantly during the year.

There were no reports of forced exile.

e. *Denial of Fair Public Trial.*—The Constitution nominally provides for an independent judiciary; however, in practice courts are subject to pressure from the executive branch and to corruption. The Constitution's provisions do not appear designed to insulate the courts from political pressure. Other legal and constitutional provisions make judges and prosecutors dependent on the executive branch for their employment. The inherited Soviet system views the court largely as a rubber stamp for the prosecutor and not a defender of citizens' rights. Prosecutors still greatly

overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Prosecutor General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels. Judges are subject to review by the President through the Council of Justice after 3 years. Thereupon, their tenure is permanent until they reach the age of 65.

According to the transitional provisions of the Constitution, the existing courts retained their powers until the new judicial system began to function in January. During the transition, district courts tried most cases, with a right of appeal to regional courts and then to the Supreme Court.

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

Judges for the two lower-level courts, the Appellate Court and courts of the first instance, began functioning in January. The selection of judges was based on: their scores on a multiple choice test to determine their fitness to be judges under the new system, based on previously published information regarding the new legal codes; and their interviews with the Minister of Justice. Next, the list of nominations was approved by the Council of Justice and, finally, by the President. About 55 percent of the appointed judges were judges under the old structure. The executive branch continued to have a dominant role in judicial selection. Based on the results of this four-stage selection, 123 judges were appointed to the new courts on January 12. Unless they are found guilty of malfeasance, their tenure is permanent until they reach the age of 65.

The judicial system continued to be in transition. As part of the package of judicial reform legislation mandated by the Constitution, both prosecutors and defense counsels began a process of retraining and recertification in order to retain their positions. Even though the newly passed legislation reduced significantly prosecutors' supervision of civil cases, prosecutors still greatly overshadow defense lawyers and judges during trials.

The new Criminal Code, which is intended to clarify contradictory provisions of the law and create a more unitary, modern, and workable legal system has not yet been approved. Two other new codes, the Civil Code and the Criminal Procedures Code, were passed in the summer of 1998 and went into effect in January. Under the new codes, prosecutors are expected to continue to have more influence than judges do. The functions of the Ministry of Justice have been reduced substantially with the establishment of the Council of Court Chairs, which is responsible for financial and budgetary issues for the courts. The Council of Court Chairs includes 21 court chairs (the senior judges of multi-judge panels) at all levels.

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

President Kocharian established in June 1998 a constitutional reform commission, one of whose stated goals is to strengthen the independence of the judiciary and give the courts more authority in safeguarding human rights. On March 1, the commission submitted its suggestions for constitutional amendments to the President. One proposed change was to remove the prohibition against dual citizenship. The President disbanded the old commission and by a July 23 decree appointed new members to amend the Constitution's chapter on the judiciary. Such constitutional revisions must pass both Parliament and a national referendum.

The military legal system operates essentially as it did in the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts; pending passage of a new criminal

code, they operate in accordance with the Soviet-era Criminal Code. In 1998 the military prosecutor abolished military ranks for the prosecutors in his service.

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

There were no reports of political prisoners.

The five remaining defendants in the "Dro" case remain in prison following conviction of criminal charges of murder. Two were condemned to death, but given the country's current moratorium on the death penalty, they may instead serve life or 25-year sentences. A sixth Dashnak prisoner, convicted of the murder of a policeman in a separate case, also remained in jail under sentence of death.

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

The law requires security forces to obtain a search warrant from a judge before conducting a search. Security forces were refused issuance of warrants due to lack of evidence in several cases; however, in practice there are charges that searches continue to be made without a warrant. The Constitution provides that the judiciary must exclude evidence obtained without a warrant. Legislation passed in 1997 to improve security of bank deposits has been enforced.

There continued to be violations of the right to privacy during army conscription drives. Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives. There are credible reports of improper conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. There were no reported cases of punitive conscription of males who offended local officials.

Section 2. Respect for Civil Liberties, Including:

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

However, to avoid retribution experienced in years past on the part of powerful officials and other individuals, many journalists practice self-censorship, particularly in reporting on major corruption or national security issues. Many journalists remain cautious in their reporting, and the range of subjects considered sensitive for national security is relatively large.

Newspapers, with the exception of Hayastani Hanrapetutyun and Respublica Armenia (both joint ventures between Parliament and their staffs), are privately owned. The state printing house and distribution agency both now function as commercial enterprises, with no visible government intervention.

The sensationalist political tabloid Oragir and its successor Haykakan Zhamanak were subjected on several occasions in 1999 to legal pressure and intimidation stemming from articles that accused government figures of corruption and revealed alleged dubious connections between the then-Minister of Interior and National Security and a gasoline importing private company. A series of court cases and incidents included a public scuffle in June, when court bailiffs tried unsuccessfully to seize Oragir's equipment to satisfy a libel judgment. In September Oragir editor Nikol Pashinian was found guilty of libel, slander, libeling a public official, and contempt of court (for not publishing a retraction demanded by a court) and sentenced to 1 year of corrective labor and ordered to pay a fine of $25,000 (13.5 million drams). Pashinian appealed the judgment and not paid the fine; other journalists, who up to then had been largely nonsupportive of his case, passed a resolution criticizing the punishment as unduly harsh and for several weeks rallied almost daily in front

of the President's office demanding a more lenient sentence. At year's end, no decision on the Pashinian case had been announced by the appeals court.

On December 23, the offices of Haykakan Zhamanak were invaded by approximately a dozen men who beat and kicked Pashinian and other male members of the staff. They reportedly were led by a local businessman who was angered by an article in Haykakan Zhamanak that accused him of corruption. Pashinian afterwards announced that he would not file charges against his assailants, but that he expected them to apologize to all journalists for the attack. On December 25, the Russian newspaper Novoye Vremya had reprinted an article originally published in the Russian press accusing the late Prime Minister Vazgen Sargsian of corruption. Novoye Vermya's editor subsequently reportedly received a threatening telephone call purporting to be from the Yerkrapah Union, a social/political faction of veterans of the Nagorno-Karabakh war founded by Sargsian. The caller warned the editor that if his paper continued to "insult" the slain Prime Minister, his house would be burned. On December 31, a fire characterized by media reports as arson damaged the Yerevan offices of the Russian newspaper.

Newspapers operate with extremely limited resources, and none are completely independent of patronage from economic or political interest groups or individuals. Due to prevailing economic conditions, newspaper circulation is small (a total of 40,000 copies, by the Department of Information's estimates, or about 1 copy per 100 persons). The state-owned newspaper printing and distribution companies have been privatized, except for a small government stake. There were no complaints of official government pressure on news media.

State institutions that previously had tended to exert control over the media have lost most of their functions. The Department of Information, created in 1997 to replace the disbanded Ministry of Information, continued to exist, but with no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers. A board was created in late 1997 with representatives from the President's Office, Government, and Parliament, to supervise the transformation of the state-owned press agency, printing, and newspaper distribution into commercial enterprises. The board has not been active during the past 2 years, and state-owned enterprises remain under government control. The President's Office continued to influence state television news coverage.

The most widely available of the two state-owned television channels takes policy guidance from the Government; presenting mostly factual reporting, it avoids editorial commentary or criticism of official actions. During the May parliamentary elections, the coverage of political parties on state television and other media generally was balanced and largely neutral. Single-mandate candidates were not entitled to free programing, but had no restrictions on paid time. In Yerevan and major regional media markets, private television stations now offer independent news coverage of good technical quality. Most radio stations are private. Opposition parties and politicians receive adequate news coverage and access on these channels. Legislation has not been passed yet to regulate the current arbitrary and nontransparent process of license issuance. Draft broadcast and media laws, the subject of intensive discussion among journalists, were revised extensively, but for a second year they were not discussed by Parliament. One new measure announced in October 1998, a 25-fold increase in licensing fees for television broadcasters, was expected to have a serious effect on struggling private stations; these stations appealed for the measure's cancellation. After the President's intervention, the overall increase was significantly lowered (to three-fold). The few international newspapers and magazines imported are not censored. There are no restrictions on reception of satellite television and other foreign media, and this material is not censored.

The Government partially respects academic freedom. There are more than 80 private institutions of higher education. The Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. The Constitution provides for freedom of association, and the Government generally respects this right in practice; however, there are some important exceptions. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time consuming, and some human rights or political organizations have been compelled by the Government to revise their bylaws several times in order to have their registrations accepted. No human rights or political organization reported problems with registration during the year.

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

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

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

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

As of year's end, registered religious groups had reported no adverse consequences from the law. The ban on foreign funding has not been enforced and is considered unenforceable by the Council on Religious Affairs. The Council has such limited resources that it has not performed any acts except the annual reregistering of religious groups. No registered religious group was denied reregistration under the amended law. All existing denominations reregistered except the Hare Krishnas, who reportedly dropped below even the previous 50-member threshold and hence did not seek to reregister and are no longer active. A few new organizations registered, in some instances groups created after splits in previous organizations, bringing the number of registered groups to 48.

However, the Council on Religious Affairs continued to deny registration to Jehovah's Witnesses, no longer on the grounds that the group does not permit military service, but because its "illegal proselytism" is allegedly integral to its activity and because of the "dissatisfaction and tension" caused in some communities by its public preaching. A regional leader of Jehovah's Witnesses held meetings with the Council on Religious Affairs in September, which he described as "encouraging," but there was no change in the denial of registration by year's end. Jehovah's Witnesses have challenged their nonregistration in the courts as recommended in 1998 by the President's Human Rights Commission.

Eleven members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. According to Amnesty International, at least one Jehovah's Witnesses conscript was beaten severely by military personnel in December 1998 for refusal to wear a uniform. Around 50 Jehovah's Witnesses were reportedly in hiding from the draft. Alternative nonmilitary service is sometimes available for persons willing to act as teachers in remote villages, an option not available under current law to members of Jehovah's Witnesses. The President's office stated in March that a law was being drafted that would regulate alternative service for Jehovah's Witnesses and other conscientious objectors, but it had not been introduced by year's end. At least one member of Jehovah's Witnesses detained for draft evasion during the year indicated in writing his willingness to perform alternative service. A Jehovah's Witnesses official noted that some forms of alternate service would be problematic for members of his group, due to their creed's prohibition of participation in some government organs.

Police curtailed a Jehovah's Witnesses convention held in September at a privately owned, rented facility outside Yerevan and tried to disperse the meeting nonviolently, citing an alleged decree by the National Security Council; however, they were unable to produce such a decree, and an official of the Council on Religious Affairs stated that it had not authorized dispersal of the meeting and was not aware of the decree. The police left without dispersing the meeting, but shortly thereafter

power to the building was interrupted. Jehovah's Witnesses ended their meeting prematurely but peacefully. No agency admitted responsibility for the power interruption.

According to the law, a religious organization refused registration cannot publish a newspaper or magazine, rent a meeting place on government-owned property, have its own program on television or radio, or officially sponsor the visas of visitors. Jehovah's Witnesses continue to have problems renting meeting places. Lack of official visa sponsorship means that visitors of Jehovah's Witnesses must pay for a tourist visa.

The Armenian Apostolic Church elected a new head, or Catholicos, at an ecclesiastical conference in October attended by delegations from around the world. Although several candidates for this office alleged government interference in the election process, the vote was held in an open atmosphere and there were no signs of pressure or intimidation by government agencies.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation*.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government places restrictions on some of those rights. The Government may deny passports to persons possessing state secrets, to those subject to military service, and to those whose relatives have made financial claims against them. Men of military age must overcome substantial bureaucratic obstacles to international travel. The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. They must negotiate with a corrupt and inefficient bureaucracy to register these changes, but this practice is now more a nuisance than an impediment. In addition registration of a residence is a difficult process, particularly for those who live in a rented dwelling.

After the Nagorno-Karabakh conflict erupted between Armenia and Azerbaijan in 1988, ethnic minorities on both sides were subject to discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all the ethnic Azeris living in Armenia at the time, some 185,000 persons, fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia. The majority of the rest took refuge in Russia, with small numbers remaining in Azerbaijan.

The National Assembly passed a law on citizenship in 1996 that provides for refugees of Armenian ethnicity to gain citizenship, provided they are stateless and have resided in the country for the past 3 years. In 1998 the Government implemented regulations for the law and began new efforts to encourage refugees to accept Armenian citizenship. In January the Government decided to allow refugees to naturalize when registered under their factual residence (the residence at which the refugee actually resides), and in March the refugee law was adopted by the National Assembly. During the final months of the year, the Government established a new system at the local level, making the acquisition of citizenship easier for refugees. As a result, an increased number of refugees chose to accept citizenship: from August through November, 6,473 refugees received citizenship, compared with a total of 7,200 total in 1998. However, a government report at year's end said that most refugees are still reluctant to become citizens, fearing the loss of free housing, military service exemptions, and other benefits accorded refugees.

The Government cooperates with the Office of the U.N. High Commissioner for refugees and other humanitarian organizations in assisting ethnic Armenian refugees. The newly passed refugee law has provisions 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 respects the right of first asylum. During the year, at least one Sudanese was granted asylum based on fear of religious prosecution if he returned to Sudan.

Border officials have no training on asylum issues. In some cases, persons denied permission for legal residence are subjected to fines for illegal residence when they attempt to depart 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

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

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

The May parliamentary elections showed continued improvement toward compliance with OSCE commitments, but still failed to meet international standards. Nonetheless, during the election, observers from the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted improvements in the electoral framework and the political environment. Freedom of association, freedom of assembly, and freedom of expression were respected during the campaign. The previously banned party ARF-Dashnaksutyun reentered political activity in 1998. The May 30 elections took place under a new electoral code that represented a substantial improvement compared with previous legislation and incorporated recommendations of international organizations. For example the code provides for the accreditation of domestic nonpartisan observers. It abolishes one level of election bureaucracy (the community election commissions) and provides for the courts to address electoral complaints during the campaign rather than after results are announced.

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

In the May parliamentary elections, many observers witnessed soldiers closely supervised by their commanding officers and left alone for a few minutes to cast ballots; in some cases, soldiers were instructed to vote for the Unity Alliance. In addition press reports and a number of election observers noted that supporters of many candidates offered both monetary and other inducements to voters to encourage votes for their candidate.

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

Four districts of Yerevan held local by-elections on July 11. In the Achapniak district, violence erupted when armed supporters of one of the candidates beat and fired upon supporters of another candidate. The Central Elections Commission suspended this vote and declared it invalid. A criminal investigation was launched, which resulted in the arrest of 14 persons; the police still are seeking 10 more persons allegedly involved in the Achapniak violence. Those arrested are being prosecuted, but at year's end, the accused were free on bail and were not brought to

trial due to continuances requested by their attorneys. The by-election in Achapniak was rescheduled 6 weeks later. Neither of the candidates whose followers were involved in the original violence ran in the rescheduled election, although they were not barred from doing so. The election took place without incident.

Further improvements were made to the electoral framework and election administration for the October 24 municipal elections of community mayors and councils of elders. Candidate proxies, media, domestic observers, and international observers were entitled to monitor all stages of the election process; however, international observers did not monitor all stages. Shortly before the election, an amendment addressing procedures for military personnel to participate in municipal elections was passed, restricting military voting to the place of the soldier's permanent residence. This amendment, in practice, prevents a majority of the military from voting, as many soldiers are stationed far from their permanent residences and cannot obtain leave to return home to vote.

On October 16, the Constitutional Court struck down the Law on Local Self-government and the Law on Refugees, which prohibited refugees with permanent residence ("propiska") in Armenia from participating in municipal elections, concluding that they were in conflict with the Constitution and provisions of the electoral code. The Constitutional Court decision gave refugees with permanent residence the right to vote in such municipal elections. Nevertheless, by presidential decree, municipal elections were postponed in communities where refugees make up more than 50 percent of the population.

Mayors and other community heads, in conjunction with relevant authorities, updated and significantly improved the voter lists before the October 24 municipal elections. As a result, the number of citizens appealing for inclusion on voter lists in the Court of First Instance was reduced significantly. Council of Europe observers described the October 24 election as free and fair; however, the observers noted several minor irregularities, including use of previously used seals (the law provides that new ones should be provided for each election as a check on ballot box stuffing) and defects in the voter lists. However, according to Radio Free Europe/Radio Liberty and the newspaper Haykakan Zhamanak, few parties fielded candidates in the elections other than the two progovernment coalition parties. The nonpartisan, professionally trained Armenian election observers from "It's Your Choice" highlighted serious flaws in the distribution of power within election commissions, and inaccurate voting lists, noting that "many voters whose names were not on the lists, out of weariness and frustration, did not appeal to the court and thus could not exercise their constitutional right." This group's election report suggests that there were only serious multiparty contests in less than one-third of the precincts.

The Government recently confirmed its decision to postpone a national census until 2001 for budgetary reasons. This has raised political concerns about the integrity of the process that is to create new electoral districts, since existing voter rolls and other population records are in some areas out-of-date and seriously flawed.

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

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

In compliance with the Constitution, the newly elected National Assembly operates as a full-time Parliament. It consists of 131 deputies; 56 are elected on a proportional basis and 75 on a district-by-district majority basis. Regular sessions are held twice a year: the first from mid-September to mid-December; and the second from early February until mid-June. Given the press of legislative business connected with the total reform of the legal system, special sessions frequently are called, but may not last more than 6 days. Following the deaths of the speaker and his two deputies in the October 27 terrorist attack, the National Assembly elected a new speaker and deputies on November 2 according to established constitutional procedures.

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

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

There are several human rights NGO's that are active and operate openly, criticize abuses publicly, and publish their findings on government human rights violations. In general public access to information on human rights cases usually is adequate, with extensive media coverage of significant court cases, and more openness by civilian and military prosecutors. During the year, one domestic human rights group, the Armenia Helsinki Association for the first time was allowed to visit death row and talk with convicts sentenced to death.

In February a Ministry of Defense official warned a member of an organization dealing with conscripts to desist from cooperating with international human rights organizations. In March Mikael Danielyan, chair of the Armenia Helsinki Association, was accused of making unfounded accusations after he complained about the refusal of the Ministry of Internal Affairs to grant access to pretrial detention facilities for monitoring; Danielyan had submitted written requests and made repeated attempts to gain access for over a year.

An office created by the Prosecutor General in July 1997 to communicate with international observers was responsive to requests for information, although information about criminal cases stemming from elections remained relatively general and incomplete. International observers requesting information on election-related complaints received more precise and detailed information on their resolution.

In 1998 President Kocharian appointed a prominent opposition politician to head a new human rights commission within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers. However, it has had a modest impact in getting authorities to review official actions on social issues ranging from apartment allocations to police behavior, in some cases winning official reconsideration. It refers such cases to the appropriate agency, but it does not follow up on specific issues.

The Government has permitted monitoring of human rights by the Council of Europe and by the ICRC, which retains full access to civilian detention facilities.

The Government invited an OSCE/ODIHR election observer mission to observe the May parliamentary elections, and provided domestic and international observers with unimpeded countrywide access to both the May and October elections (see Section 3). Current electoral law allows local observer organizations to monitor parliamentary but not presidential elections, and such local organizations reported no impediments to election observation during the year.

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

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

Women.—There is no specific law banning violence against women, and few cases of rape, spousal abuse, or other violence against women were reported; however, their number is likely higher than the statistics indicate. Domestic violence cases usually are not reported to the police, and women are not protected from it. There is at least one nongovernmental organization that provides shelter and assistance to battered women; it is located in the Gyumri area, but embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify. Even womens' groups and health professionals decline to offer specific figures, but do not indicate that such violence is especially common.

In the first 11 months of the year, the Prosecutor's Office registered 18 cases of rape. The Prosecutor General's Office also reported nine attempted murders against women involving serious injuries. The law (the old Soviet Criminal Code) cites specific punishments for rape, forced abortion, forbidding a woman from marrying, and discrimination in hiring due to pregnancy.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police for street-walking are simply sent to a hospital or physician for a medical check-up. Armenian women work as prostitutes in the Middle East, and there have been reports of trafficking in women and girls in the past, but there were no reports during the year (see Section 6.f.).

Males often play a dominant role in many societal institutions. In the workplace, women receive equal pay for equal work, but generally are not afforded the same professional opportunities given to men and often are relegated to more menial or low-skill jobs. The 1972 Law on Employment prohibits discrimination in employment, but the extremely high unemployment rate makes it difficult to gauge how

effectively the law has been implemented to prevent discrimination. Formerly, labor unions protected women's rights in the workplace at least nominally, but the current weakness of unions (see Section 6.a.) likely has rendered them even less effective in this role. According to official statistics, women make up 65 percent of those officially registered as unemployed. Currently there are more women receiving university and postgraduate education than men. This statistic may be accounted for in part by the Nagorno-Karabakh situation, which necessitates a high number of males in military service, and in part by the economic situation, which has caused males to emigrate in search of employment.

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

Girls and boys receive equal educational opportunities. The Government focuses its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's current difficult circumstances. The Government similarly directs foreign humanitarian aid programs toward larger families. Despite social programs, the problem of street children remains significant. However, the family tradition remains strong, and child abuse does not appear to be a serious problem.

People with Disabilities.—The Constitution provides for the right to social security in the event of disability. The 1993 Law on Invalids provides for the social, political, and individual rights of the disabled, but does not mandate the provision of accessibility for the disabled. During the year, expenditures for the health sector were cut by approximately $4.8 million (2.6 billion drams) from the projected level, which affected the disabled, who are supposed to be treated free. According to the former Minister of Social Security, the social sector budget also is being cut by approximately $550,000 (300 million drams). In the current economic circumstances and in an effort to meet international financial institution guidelines on reduction of the budget deficit, the Government has had difficulty fulfilling its commitments in this area.

The Government's enforcement of the rights of the disabled remains rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. There is societal discrimination against the disabled. Hospitals, residential care, and other facilities for the seriously disabled do not meet international norms. A local human rights group alleges that there are cases in which security authorities use confinement in mental institutions as an alternative form of detention.

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

A relatively high percentage of members of some religious minorities, particularly Hare Khrishnas but evangelical Christians as well, joined the wave of emigration from the country, for social, economic, and philosophical reasons. Despite the Government's previous pledge to apprehend alleged members of the Yerkrapah Union political faction who staged a series of destructive attacks against a dozen religious groups in 1995, the authorities still had taken no steps to bring the perpetrators to justice.

National/Racial/Ethnic Minorities.—The population is around 94 percent ethnic Armenian. The Government does not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. Groups that the Government includes in this category are Russians, Jews, Kurds, Yezidis, Georgians, Greeks, and Assyrians. As a result of the protracted Nagorno-Karabakh conflict, there is no significant Azeri minority (see Section 2.d.). Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintain a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the 1992 law on language provides linguistic minorities with the right to publish and study in their native language. There are token publications in minority languages, but the Government has devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has dwindled in recent years. In practice virtually all students, in-

cluding members of the Yezidi and Greek communities, now attend Armenian-language schools, with very limited classes available in their mother tongues. In the Yezidi community, a high percentage of pupils do not attend school, partly for family economic reasons and partly because of discrimination by ethnic Armenian students and teachers.

Yezidi leaders continued to complain that police and local authorities subject their community to discrimination. The Yezidis, whose number is estimated at 60,000 by Yezidi leaders, speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. They cite numerous incidents of unfair adjudication of land, water, and grazing disputes; nonreceipt of privatized agricultural land; an unusually high number of beatings of Yezidi conscripts in the army; and lack of police response to even serious crimes committed against Yezidis. The Yezidi complaints likely reflect societal discrimination as well as the more general problem of poorly functioning local government bodies. The Yezidi leaders met in July 1998 with the President's human rights commission with which and received an affirmation that the Government would improve the situation; however, the Government took no action during the year.

Section 6. Worker Rights

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

The absence of real unions and of accurate employment data precludes a reliable estimate of the percentage of the work force that is unionized.

Unions are free to affiliate with international organizations, but none did so during the year.

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

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

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution and the 1992 Law on Employment prohibit forced and bonded labor, including that by children, and it generally is not known to occur. There were reports of trafficking in women and girls in the past; however, there were no such reports during the year (see Section 6.f.). This provision is enforced by the local community councils, unemployment offices, and, as a final board of appeal, the Arbitration Commission.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—According to the 1992 Law on Employment, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The Law on Employment is enforced by local community councils, unemployment offices, and, as a final board of appeal, the Arbitration Commission. Forced or bonded labor by children is prohibited, and it is not known to occur.

e. *Acceptable Conditions of Work.*—The Government sets the minimum wage by decree. In October 1998, Parliament quintupled the national minimum wage to less than $10 (5,000 drams) per month; however, the minimum wage is insufficient to provide a decent standard of living for a worker and family. The majority of the population lives below the officially recognized poverty line as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 earthquake, the con-

flict in Nagorno-Karabakh and the resulting blockade by Azerbaijan and Turkey, and disruptions in trade. However, a significant amount of economic activity takes place unrecorded and untaxed by local authorities. The extent to which this improves the overall economic situation is unknown.

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

The Constitution provides citizens with the right to clean and safe work places, but Soviet-era occupational and safety standards remain in force. Labor legislation from 1988 places responsibility on the employer and the management of each firm to ensure "healthy and normal" labor conditions for employees, but it provides no definition of healthy and normal. The employment situation is such that workers are reluctant to complain about hazardous working conditions due to the risk of losing their jobs.

f. *Trafficking in Persons.*—The legal code does not prohibit specifically trafficking in persons, although it does prohibit exploitation by force of persons for financial gain. The Criminal Code specifically prohibits the keeping of what are generally considered to be brothels. Armenian women work as prostitutes in the Middle East, and there have been reports of trafficking in women and girls in the past. There are reports that older girls in a local orphanage were approached with offers to engage in prostitution, either locally or abroad. The Criminal Code does not forbid prostitution. The 10 cases of trafficking in women or procuring currently in court are being prosecuted under the Criminal Code prohibition on brothels.

AUSTRIA

Austria is a constitutional democracy with a federal parliamentary form of government. Citizens choose their representatives in periodic, free, and fair multiparty elections. The judiciary is independent.

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

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

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse and threats. Legislation went into effect to increase protection for women against domestic violence, which has been a problem and is considered to be greatly underreported. Trafficking in women for prostitution is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

On September 15, police shot and killed Horst Ludwig Meyer, a suspected member of the German terrorist group Red Army Faction, when he opened fire on them near Vienna. Meyer and an accomplice are believed to have killed a German diplomat, Gerold von Braunmuhl, and, in a separate attack, German businessman Heinz Beckurts and his driver, in 1986. Meyer and his accomplice also are accused of killing a Deutsche Bank spokesman, Alfred Herrenhausen, in 1989 and involvement in a 1988 attack against a NATO installation in Spain. His accomplice, Andrea Klump, was arrested and subsequently extradited to Germany on December 23.

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution prohibits such practices, government statistics for 1998 showed 356 complaints against federal police officials for "unjustified use of force," compared with 321 in 1997. Of the 356 complaints, 288 resulted in investigations (compared with 339 in 1997). The number of suspensions dropped from 31 in 1997 to 22 in 1998. Four police officials were convicted of excessive use of force in 1998; two officers were convicted in 1999. Of the 158 cases pending in 1998, 44 have been dismissed due to lack of evidence; the other cases remain pending. Types of abuse ranged from slander to kicking and hitting, resulting mainly in bruising. Some of the violence appears to be racially motivated.

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

According to some witnesses, in March a dark-skinned French citizen suspected of dealing drugs, known only as Mohammed S., allegedly was beaten by police officers during an arrest. Witnesses alleged that two officers kicked, hit, and sprayed the man with pepper spray after he had been immobilized. After a short period of time, additional officers and an ambulance arrived and the suspect was taken to the hospital. Minister of the Interior Karl Schloegl invited the witnesses to tell him personally what happened and stated that his Ministry, the district attorney, and police management would investigate the matter. Several other witnesses later came forward and contradicted the earlier testimony. Charges were filed against the police officers, but were dropped in July due to lack of evidence.

On March 16, the U.N. Committee on the Elimination of Racial Discrimination (CERD) expressed concern regarding reports of serious cases of police brutality towards persons of foreign origin and ethnic minorities.

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

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

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

Forced exile is not practiced.

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

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of the press, and the Government generally respects this right in practice, although stringent slander laws tend to discourage reports of police brutality. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases are extremely rare.

The government monopoly in television and national radio is gradually being dismantled. A 1993 law permitted licensing of regional private radio stations, but legal challenges by unsuccessful applicants for licenses delayed implementation of the law. Rewritten radio frequency rules went into effect in April 1998. As of July, there were 51 private radio stations. Second quarter figures show that while 71.3 percent

of citizens listen to the state-run radio stations, 20.1 percent listen to private stations.

Academic freedom is respected.

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

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

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

Under the law, religious societies have "public law corporation" status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to other religious organizations. The Constitution singles out religious societies for special recognition. Among the many benefits provided to religious societies that are not granted to other religious organizations are state subsidies for religious teachers (at both public and private schools), and access of the clergy to hospitals, prisons, and the military chaplaincy.

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

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

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

As of July 10, 1998, the Education Ministry had granted the status of "confessional community" to eight religious groups, including for example, Jehovah's Witnesses, Baptists, and Seventh-Day Adventists. The Church of Scientology and the Hindu Mandir Association withdrew their applications. Later, the Hindu Mandir Association reapplied as the Hindu religious community and was granted confessional community status in December 1998. The Ministry rejected the application of the Sahaja Yoga group; in 1998 the group appealed the decision to the Constitutional Court.

Proponents of the law describe it as an opportunity for religious groups to become officially registered as religious organizations, providing them with a government "quality seal." However, numerous religious groups not recognized by the State, as well as some religious law experts dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition under the 1874 law obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Experts have questioned the law's constitutionality.

After the Education Ministry granted Jehovah's Witnesses the status of Confessional Community, the group immediately in 1998 requested that it be recognized as a religious group under the 1874 law. The Education Ministry denied the application, on the basis that, as a confessional community, Jehovah's Witnesses would need to submit to the required 10-year observation period. The group has appealed this decision to the Constitutional Court, arguing that a 10-year waiting period is unconstitutional. A decision is expected in 2000.

Also in 1998, Jehovah's Witnesses filed a complaint with the European Court for Human Rights, arguing that the group has not yet been granted full status as a religious entity under the 1874 law, despite having made numerous attempts over more than two decades.

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

During the year, the Government continued its information campaign against religious sects considered potentially harmful to individuals and society. As part of the campaign, the Family Ministry established a new Federal Office on Sects, which is responsible for collecting and providing information on sects active in the country. While the law stipulates that the Office has independent status, the head of the Office is appointed and supervised by the Minister for Environment, Youth, and Family, and the Office is supported by public funds. In September the Family Ministry released a second edition of the brochure entitled "Sects: Knowledge Protects," describing numerous nonrecognized religious groups in negative terms found offensive by many of the groups listed. The brochure lists Jehovah's Witnesses, despite its confessional community status.

Members of the Unification Church and the Church of Scientology complained of discrimination and harassment by the police and the public.

In April the conservative Austrian People's Party (OVP) convention formally adopted a decision made by the party's executive board in 1997 that party membership is incompatible with membership in a sect. This policy led to the resignation of a local OVP official in 1997. Shortly after this decision, a member of the provincial parliament of Upper Austria called for a requirement that civil service applicants and employees sign a declaration that they are not members of the Church of Scientology and that they do not support the Church's goals. False statements would be grounds for disqualification or rejection from the applicants' employment pool. Any person who already was employed and found to be a member of the Church of Scientology would be dismissed. The requirement had not been made law at year's end.

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

Austria has signed the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, but subscribes to the "safe country" concept, which requires asylum seekers who enter illegally to depart and seek refugee status from outside the country. In response to continuing criticism by the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, the Government passed an amendment to the 1991 asylum law in 1997 designed to bring some improvements to the "safe country" rule and the appellate procedure. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR and other humanitarian organizations generally approve of the 1997 asylum law, but there is still some dissatisfaction with its imple-

mentation. A January amendment to the 1997 asylum law, which authorizes the Ministry of Interior to draw up a "white list" of "safe third countries," drew sharp criticism from human rights and refugee advocacy groups. There is widespread opposition to this concept based on the fear that it compromises the principle of individual investigation of claims. This principle was upheld in a February ruling of the Administrative Court, which reversed a denial of asylum made on the basis of the "safe third country" rule. Individuals found to be bona fide refugees by government authorities are not sent back to the countries from which they fled. In 1997 the Government established an appeal body for refugees—the Independent Federal Asylum Senate. Asylum seekers whose claims have been rejected by the Federal Asylum Office may appeal to this body; the Administrative Court is the court of last instance.

Of the estimated 95,000 Bosnian refugees who arrived between April 1992 and July 1993, the Government provided temporary protected status (TPS), similar to first asylum, to 47,000, which made them eligible to receive government assistance without having to file asylum applications. Most of the other 48,000 refugees were deemed to have other means of support, either from families already present in Austria or from nongovernmental organizations (NGO's). The overwhelming number of all Bosnian refugees has been integrated into the labor market. They now hold "gastarbeiter" status, which means that their residency permit is evaluated each year on the basis of the country's overall labor demand. Many of the refugees have chosen voluntarily to return to their homeland, a process that still continues. In 1997 4,200 Bosnians returned to their homeland; a similar number returned by the end of 1998. In December 482 Bosnian refugees still remained in the country in TPS, and still received public assistance. In July 1998, temporary residency rights for citizens of Bosnia-Herzegovina were extended beyond the deadline of July 31, 1998 until the summer of 2000. TPS is reserved for those who cannot be absorbed readily as foreign labor or into the community, such as the elderly, the sick, traumatized persons, and illiterate persons.

During the Kosovo crisis, Austria accepted an estimated 10,000 to 15,000 refugees. A total of 5,080 Kosovar Albanians were evacuated directly from Macedonia and admitted to Austria under cover of TPS. Also, the immigration law was modified to allow Kosovar Albanians already in the country in a variety of statuses to extend their stay. In December approximately 1,593 Kosovar Albanians of the total of 5,080 refugees under TPS remained in the country. They receive public assistance under a care program similar to the one set up during the Bosnian crisis. In December the deadline for the end of TPS for Kosovar Albanians was extended beyond December 31 to March 31, 2000, or July 31, 2000, depending on the level of destruction of housing in the area of residence and other individual criteria. A new incentive program for voluntary returnees was developed. About 1,500 Kosovars are expected to stay in the country until March 31, 2000, while about 800 could extend their stay until July 31, 2000.

Asylum applications more than doubled in 1998, from 6,719 in 1997 to 13,805. In 1998 500 applications were accepted and 3,491 requests were denied, compared with 639 approvals and 7,286 denials in 1997. The 1998 approval figure includes asylum seekers from the Federal Republic of Yugoslavia (FRY) (6,647), Iraq (1,963), Iran (950), Afghanistan (467), and India (472). A majority of asylum seekers are male. In the first half of the year requests for asylum more than doubled to 9,830 from 4,526 in 1998. The increase is attributed to the Kosovo conflict: 80 to 85 percent of asylum seekers from the FRY are Kosovar Albanians; about 55 percent are Kurds from Iraq, Iran, Turkey, and Syria. Improved border controls resulting from the Government's full implementation of the Schengen Agreement in April 1997 also have led to an increase in asylum applications. Aliens who formerly used the country as merely a transit point are now filing asylum applications.

On May 1, an unsuccessful Nigerian asylum applicant, Marcus Omofuma, died while being deported to Lagos via Sofia, Bulgaria. Omofuma's violent, uncooperative behavior led authorities to increase their normal escort from two to three immigration officials. Omafuma's hands and feet were cuffed so that he could not injure himself or others. Additionally, en route to Sofia, the officials taped his mouth shut to silence his loud outcries. Believing that the man had lost consciousness during the flight, the officials summoned a doctor after landing; the doctor pronounced Omofuma dead. A preliminary Bulgarian autopsy found that he had suffocated; a subsequent autopsy performed by an Austrian physician found that Omofuma's death was a result of a heart attack, brought on by extreme stress and a heart weakened by disease. The two doctors are expected to examine each others' reports in the hopes of arriving at an agreement as to the cause of death.

Interior Minister Schloegl promised to review thoroughly internal procedures regarding deportations and temporarily suspended any deportations of individuals expected to behave violently, and turned the case over to the state prosecutor. Two

of the three police officers who accompanied Omofuma were suspended. In June Schloegl announced the creation of a committee, composed of representatives from the Justice and Interior Ministries, as well as from NGO's, with the goal of ensuring that the police and gendarmerie respect human rights while carrying out their duties. Schloegl also announced a new policy requiring that all potentially violent individuals be deported via chartered aircraft, rather than on commercial flights. The first such chartered flight took place in late June. Schloegl stated that deportees being returned by air should only be accompanied by properly trained officials. The investigation into the Omofuma case was continuing at year's end, and the police officers remained suspended.

Civil charges were filed on behalf of Omofuma's young daughter stating that Omofuma's human rights were violated. The case was first filed in the administrative appellate senate in the province of Lower Austria. The senate rejected the case, saying that it did not have jurisdiction, and that the case should be handled by the city of Vienna. The decision of the administrative appellate senate in Vienna was 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. Citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held on October 3, in which the Social Democrats won 65 seats in Parliament; the Freedom Party, 52; and the People's Party 52. Negotiations on forming a new coalition government were underway at year's end.

Approximately 32 percent of the members of Parliament and 4 of 16 cabinet members are women.

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

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. In some cases, they have been dissatisfied with the information that the authorities have supplied in response to specific complaints.

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

The law provides for protection against any of these kinds of discrimination in employment, provision of welfare benefits, and other matters, and the Government generally enforces its provisions effectively.

Women.—Violence against women remains a problem. In June the Minister for Women's Affairs reported that an estimated 300,000 women are abused annually. Police and judges enforce laws against violence; however, less than 10 percent of abused women are estimated to file complaints. Overall, the Women's Ministry estimates that one-fifth of the country's 1.5 million adult women has suffered from violence in a relationship. Many public officials and the media considered this to be an extremely high figure, and as a result, legislators in July passed an amendment to the 1997 Law on the Protection Against Violence in the Family. This amendment extends the period during which police can expel abusive family members from family homes from 7 days to 2 weeks; in special cases, a court order can extend the period for up to 3 months. Between May 1997, when the violence protection law entered into force, and March, the interdiction to prevent abusive family members from returning home was applied in 4,478 cases. The Government also sponsors shelters and help lines for women. A 24-hour women's help line, as the first point of contact for abused women and children, was established in 1996 and has been used by 12,550 women.

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

Most legal restrictions on women's rights have been abolished. In 1994 the European Court of Justice ruled that the country's law prohibiting women from working nights was not permissible and gave the Government until 2001 to adapt its legislation to gender-neutral European Union (EU) regulations. Legislation went into effect in January 1, 1998, requiring that collective bargaining units take action by 2001 to eliminate restrictions on nighttime work for women.

In addition to the federal Women's Affairs Ministry, a federal Equality Commission and a federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. Sixty percent of women between the ages of 15 and 60 are in the labor force. Despite substantial gains, women's incomes average 30 percent less than those of men.

As of January 1, 1998, women were allowed to serve in the military voluntarily. On April 1, 1998, the first women began training. On December 1, 1998, the first women, both doctors, were taken into the military. The long-term expectation is that women may make up about 5 percent of the military. As of June, there were a total of 73 female soldiers; in November there were 89. Of those, 12 women were pursuing the officer career track while 46 women were pursuing the noncommissioned officer (NCO) career track. The remaining 31 include 5 medical doctors (4 of whom are already officers) and 26 women who are in the military strictly to train as high-level athletes. There are no restrictions on the type or location of assignments given to women. It was expected that approximately 12 more women would enter the military before the end of the year. The first females to complete a course of instruction in the NCO academy graduated in December.

Although labor laws provide for equal treatment for women in the civil service, they remain underrepresented. To remedy this circumstance, a 1993 law requires hiring women of equivalent qualifications ahead of men in civil service areas in which less than 40 percent of the employees are women; however, there are no penalties for failing to attain the 40 percent target.

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

Women's rights organizations are partly politically affiliated, and partly autonomous groups. In voicing their concerns, they receive wide public attention.

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

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

There is no societal pattern of abuse against children, although heightened public awareness of abuse has led the Government to increase its efforts to monitor the issue and prosecute offenders. Reports of suspected sexual abuse of children in 1998 increased to 945, compared with 895 in 1997. The number of related convictions increased to 351 from 314. The rest of the cases remain pending or were dismissed. The growing number of reported incidences of child abuse is considered a result of increased public awareness of the problem. According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years.

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

In the context of its EU presidency, the Government advanced a multiyear plan to prevent misuse of the Internet. In February 1997 authorities set up a 24-hour "tip line" for citizens to report leads on child pornography on the Internet and to lodge complaints. In December 1998, the Government announced its action plan to combat the promotion of child abuse and child pornography through the Internet.

The Government cosponsored an international conference in Vienna from September 29 to October 1, on combating child pornography on the Internet. The conference aimed to establish international practices acceptable to law enforcement and justice officials, as well as to the Internet service provider industry, to purge child pornography from the Internet.

People with Disabilities.—The law protects disabled individuals from discrimination in housing, education, and employment. In July 1997, Parliament passed an amendment to the Constitution explicitly requiring the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ 1 disabled person for every 25 to 45 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism, since many

observers believe that penalties are too low to discourage companies from bypassing the requirement. No federal law mandates access for the physically disabled; some public buildings are virtually inaccessible to those unable to climb stairs.

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

National/Racial/Ethnic Minorities.—According to an Interior Ministry report on rightwing extremism, anti-Semitism and xenophobia, in 1998 there were 244 reported rightwing incidents, 31 anti-Semitic incidents, and 8 xenophobic incidents. A total of 41 individuals were convicted. In 1997 the Ministry reported 279 rightwing incidents, 32 anti-Semitic incidents, and 11 xenophobic incidents; criminal convictions were obtained in 47 cases. In 1997 the Anti-Defamation League opened an office in Vienna for Central and Eastern Europe. The EU opened an office against racism and xenophobia in Vienna in July 1998. On March 16, the U.N. Committee on the Elimination of Racial Discrimination (CERD) expressed concern regarding reports of serious cases of police brutality towards persons of foreign origin and ethnic minorities.

Legislation in 1997 provided law enforcement agencies with expanded investigative tools, such as electronic eavesdropping, merging of databases, and witness protection programs. Criminal investigations begun in 1995 against three Austrians for spreading fascist and extreme rightwing propaganda through the Internet were dropped in 1997 due to lack of sufficient evidence. Cases against two individuals accused in 1997 of spreading rightwing propaganda via the Internet were dropped in 1998, again due to insufficient evidence.

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

In March Franz Fuchs, the suspect accused of masterminding a xenophobic, deadly letter bomb campaign between 1993 and 1997, was convicted and sentenced to life imprisonment. The attacks killed four members of the Roma minority in Burgenland province in 1995 and injured 15 other persons in Austria and in Germany. Fuchs was barred from the proceedings after yelling xenophobic slogans at the start of the trial.

During the national election campaign, the Freedom Party (FPO) exploited the fears of many citizens that EU expansion and a continued influx of asylum seekers and refugees from the Balkans and other areas would result in uncontrolled immigration. The Vienna FPO chapter widely distributed placards carrying antiimmigrant slogans, including a call to stop "over-foreignization." In reaction, on November 12, several tens of thousands of demonstrators attended a Vienna rally against racism and xenophobia.

Religious Minorities.—In March CERD noted a number of reported acts of anti-Semitism and hostility against certain ethnic groups. The head of Austria's Jewish community reported an increase in expressions of anti-Semitism in the course of the campaign leading up to the October 3 elections, as well as after the elections. Members of the community reported receiving threatening mail, being attacked verbally, and occasionally being shoved forcefully aside by pedestrians. The head of the Jewish community concluded that this reflected an increasing intolerance toward minorities and appealed for the cooperation of all political forces to combat xenophobia and racism.

The second suspect in the desecration of the Jewish cemetery in Eisenstadt in 1993 has not been apprehended, and the investigation is no longer being pursued actively.

Section 6. Worker Rights

a. *The Right of Association.*—Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions have an important and independent voice in the political, social, and economic life of the country. Fifty-two percent of the work force are organized into 14 national unions belonging to the Austrian Trade Union Federation (OGB), which has a highly centralized leadership structure. Individual unions and the OGB are independent of government or political party control, although formal factions within these organizations are allied closely with political parties.

Although the right to strike is not provided explicitly in the Constitution or in national legislation, it is universally recognized. Historically, strikes have been com-

paratively few and usually of short duration. In 1998 there was a strike by employees of the Finance Ministry. A major reason for the record of labor peace is the unofficial system of "social partnership" among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

b. *The Right to Organize and Bargain Collectively.*—Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, are organized. Worker councils operate at the enterprise level, and workers are entitled by law to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions are negotiated by the OGB with the National Chamber of Commerce and its associations, which represent the employers. The Joint Parity Commission sets wage and price policy guidelines. A 1973 law obliges employers in enterprises with more than five employees to prove that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers. Labor and business representatives remain in a longstanding disagreement over how to comply with the obligation under the International Labor Organization's Convention 98 to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

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

There are no export processing zones.

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

Former forced laborers have filed suits against Austrian companies that used forced labor provided by the Nazi government. In October 1998, the Government set up a commission to analyze several Nazi-era issues, including forced labor.

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

e. *Acceptable Conditions of Work.*—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimums by job classification for each industry. The generally accepted unofficial minimum gross income is $13,000 (ATS 168,000) per year. Every worker is entitled to a variety of generous social benefits. The average citizen has a high standard of living, and even the minimum wages are sufficient to permit a decent living for workers and their families.

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

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

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

f. *Trafficking in Persons.*—There is no single law covering trafficking in persons generally, but several laws contain provisions that apply to this problem. Trafficking for the purpose of prostitution is illegal, and the law provides for a jail sentence of up to 10 years for convicted traffickers. (Prostitution itself is legal.) Another law covers trafficking in persons for purposes other than prostitution. NGO's report that enforcement is weak and that convicted traffickers generally receive sentences of less than 3 years' imprisonment. The country is both a significant transit and destination point, primarily for women from Eastern Europe and the countries of the former Soviet Union, who are trafficked into prostitution and other forms of forced dependency. Organized crime groups from these areas also are involved in trafficking. The country is particularly attractive to traffickers due to its geographical location and the fact that citizens of the Czech Republic, Slovakia, and Hungary do not require visas to enter the country.

A witness protection program granting temporary resident status to women willing to testify against their traffickers went into effect on January 1, 1998. In the past, because so few witnesses agreed to testify against their traffickers, prosecution was difficult and those trafficked often simply were expelled from the country. The witness protection plan is aimed at generating more support from witnesses; however, victims still rarely agree to testify, due to fear of retribution. The temporary resident status allows victims to stay in the country only during a trial; no provisions are made for them to stay in the country following their testimony. Virtually all victims are deported. Various NGO's, with the support of the Government, have begun to broaden their assistance and strong support for battered spouses to include those women seeking to flee from the prostitution traps created by criminal elements. There is one NGO center that provides comprehensive counseling, educational services, and emergency housing to victims of trafficking. In 1995 the Government established an interministerial working group on trafficking in women, which was disbanded in 1998.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters, many from his home region of Nakhchivan, continue to dominate the Government and the multiparty 125-member Parliament chosen in the flawed 1995 elections. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and a judiciary with limited independence. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) continue to occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. The Presidents of Azerbaijan and Armenia held a series of direct meetings in the second half of the year to discuss a compromise resolution. However, exchanges of fire occurred frequently along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh, causing casualties. Military operations continued to affect the civilian population. There are 800,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes. In the part of Azerbaijan that Armenians control, a heavily militarized ruling structure prevents ethnic Azerbaijanis from returning to their homes. In the part of Azerbaijan that the Government controls, government efforts to hinder the opposition continue to impede the transition to democracy.

Police, the Ministry of Internal Affairs, and the Ministry of National Security are responsible for internal security. Members of the police committed numerous human rights abuses.

Azerbaijan continued its economic transition from central planning to a free market. Reforms continued on paper, but stagnated in practice. Economic growth has been spurred by substantial foreign investment in the hydrocarbon sector, but it is offset by a highly organized system of corruption and patronage. While government statistics pointed to continued economic growth during the year, the real economy was hit hard by a large-scale drop off in foreign business activity, due largely to low oil prices early in the year, endemic corruption, and a deteriorating business climate. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton and tobacco. Other key industries are chemicals and oil field machinery. The Government signed several new oil production sharing agreements with foreign oil companies in 1999. Agriculture employs 33 percent of the labor force and makes up 20 percent of the gross domestic product (GDP). The leading crops are wheat, fruit and vegetables, cotton, tobacco, and grapes. Privatization of industry continues through auction sales of small- and medium-sized state-owned enterprises. Large enterprises remain almost exclusively under government control and operate at a fraction of their capacity. Accumulation of large wage arrears is common. Private retail enterprises, cotton gins, and grain mills are proliferating. About 90 percent of the nation's farmland is now in private hands, but new small farmers have poor access to credit and

markets, and commercial agriculture remains weak. Per capita GDP is approximately $500 per year. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. According to official statistics, the economy now is only 60 percent of the size of the economy in 1991. According to the World Bank, 60 percent of the citizens live in poverty. Economic opportunity for the average citizen still depends largely on connections to the Government. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record was poor, and serious problems remained; however, there was significant improvement in one area. The Government continues to restrict citizens' ability to change their government peacefully. Police beat persons in custody, arbitrarily arrested and detained persons, and conducted searches and seizures without warrants. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. Prison conditions remained harsh, and some prisoners died as a result of these conditions. The judiciary is corrupt, inefficient, and subject to executive influence. Corruption continued to pervade most government organs, and it is widely believed that most persons in appointed government positions and in state employment purchase their positions. The Government holds an estimated 50 political prisoners, down from 75 in 1998. A number of prisoners were released upon expiration of their sentences, and others were granted amnesty. The Government infringed on citizens' privacy rights. The Government continued to impose some limits on freedom of speech and of the press. Although the Government abolished censorship in August 1998, government officials throughout the year sought to intimidate independent and opposition newspapers by repeatedly suing them for defamation. As a result, journalists practiced self-censorship. Nevertheless, scores of opposition and independent newspapers continued to publish and discuss a wide range of sensitive domestic and foreign policy issues. However, journalists were subject to violence on occasion by unknown assailants who sought to stop media criticism of the Government. Lengthy pretrial detention is still a problem. The Government continued to deny broadcast licenses to all truly independent organizations applying to open television and radio stations. The Government also tightly controlled official radio and television, the primary source of information for most of the population. In July and August, authorities forced all but two of the regional television stations that were broadcasting without licenses to close.

The Government restricted freedom of assembly and association. Police suppressed or refused to allow any large-scale peaceful public demonstrations, while allowing smaller ones (of less than 50 participants) to occur. Opposition political parties, unable to mount large-scale public activities, focused on holding smaller-scale meetings and seminars throughout the country. In many cases, opposition attempts to hold meetings in the regions outside the capital initially were refused by local authorities and were allowed only after intervention by the central Government. The Government tolerated the existence of many opposition political parties, although it continued to refuse to register some. After maintaining a pattern of low-level harassment against activity by religious minorities throughout most of the year, the lower levels of Government escalated this activity by cracking down on the legally registered Russian Baptist Church in September. However, the Government took steps to improve its record on religious liberty in the wake of President Aliyev's public commitment to do so in November. The Government also acted to redress earlier harassment, including arrests, deportation orders, and a failure to register religious groups, by lower-level government and security officials. Local authorities restricted freedom of movement in some instances.

The Government held the country's first-ever municipal elections on December 12; however, the electoral process was marred by a nearly universal pattern of interference by local officials, which allowed them to control the selection of the election committees that supervised the election. The Government was critical of certain domestic human rights activists, although it was open to limited dialog with domestic and international human rights organizations. Societal discrimination and violence against women and discrimination against certain ethnic minorities are problems.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict continued. They resulted in injuries and deaths among combatants and occasionally civilians, and the taking of prisoners, including civilians. Insurgent Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of IDP's to their homes. This restriction resulted in significant human suffering for hundreds of thousands of persons.

RESPECT FOR HUMAN RIGHTS

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

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

There were several reports of deaths of prisoners resulting from other than natural causes while in official custody (see Section 1.c.).

There were at least two reports of deaths of prisoners, due at least in part to prison conditions while in official custody, and several prisoners were killed during a reported uprising at a prison in January (see Section 1.c.). At year's end, the Government had not released its long-awaited report on the prison uprising.

There have been no further confirmed developments in the cases of the death of Firuz Gurbanov in August 1997, after which a police official was arrested, or in the death of Samir Zulfugarov in Baku in August 1997 where a police official reportedly was under investigation in connection with the death.

There has been no action by the Government in the killing of opposition Azerbaijan Popular Front member of Parliament Shakhmerdan Jafarov in July 1995.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in injuries to civilians. During the year, three persons were killed and five were wounded by land mines laid near the disputed area of Nagorno-Karabakh. These mines were laid by the Governments of Azerbaijan and Armenia, and the Karabakh Armenian authorities.

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

The Government released by year's end all six Armenian prisoners of war, including civilians, that it had been holding. Nagorno-Karabakh authorities released two Azerbaijani prisoners and reportedly still hold three prisoners. The ICRC repeatedly asked the concerned parties for notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. The Government again presented to the ICRC a list of 856 persons allegedly held by the Armenians; the list was also presented in 1998.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Torture is illegal; however, there are credible reports that the police practice of beating prisoners during arrest, interrogation, and pretrial detention was widespread. The Government does not hold most members of the police accountable for their actions. Impunity continues to be a problem, and in most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. In an August report, Human Rights Watch noted that the most severe and routine physical abuse of detainees takes place just prior to and during the preliminary investigation, as police and other investigators "isolate detainees from all contact with the outside world, and beat and coerce confessions from suspects and statements from witnesses."

Police forcibly dispersed an unsanctioned demonstration on May 8. The demonstrators, organized by a combination of opposition parties, were attempting to assemble near a Baku cemetery to march to the Karabakh front over a hundred miles away to protest Armenian occupation of Azerbaijani territory. The Government refused to issue a permit for the march and ordered police to break up the rally. Several protesters were detained briefly before being released without charges (see Section 2.b.).

Police harassed, detained, and arrested members of evangelical Christian and other groups, conducted illegal searches and seized their documents and property (see Section 2.c.). President Aliyev criticized these actions in November (see Section 2.c.).

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners must rely on their families to procure food and medicine. There are widespread and credible reports that authorities deny or give inadequate medical treatment to prisoners with serious medical conditions. Authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and sleep in order to elicit confessions from them without actually leaving physical evidence of abuse. Men and women are housed in separate prison facilities.

On January 7, 14 persons, including 11 prisoners and three government personnel, were killed when the authorities suppressed an alleged attempted escape by some of the inmates of the Gobustan prison. Those inmates killed were in prison on various coup and assassination convictions. Independent media speculated that frustration over the Government's failure to include any "political" prisoners in the

December 31, 1998 amnesty granted to 12,000 convicts (including some convicted of serious crimes) may have sparked the prison incident.

Human rights organizations were able to visit prisons on several occasions. However, the Government continued to deny the ICRC access to prisons except those where persons held in relation to the Nagorno-Karabakh conflict were detained. Various foreign embassies have petitioned the Government for permission to visit all prisons. In general the Government denies access to detainees held in security prisons that hold both high risk common criminals and high risk persons sentenced for crimes with a political connection, for example, persons sentenced in connection with coup attempts and military mutinies.

d. *Arbitrary Arrest, Detention, or Exile.*—Authorities arbitrarily arrest and detain persons without legal warrants. Often authorities do not notify family members after arrests. Frequently, it is days before family members are able to obtain information as to whether authorities have arrested someone and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. There is no legal protection concerning the right of detainees to be charged or released within a certain period of time, or for accused persons to receive an expeditious trial. While the situation appears to be gradually improving, lengthy pretrial detention is still a problem. In July the Constitutional Court ruled that detainees could have access to a lawyer from the time of detention rather than only after they have been charged with a crime, but access to lawyers is often poor. In the past, police sometimes detained relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts (see Section 1.f.).

During the year, police detained members or supporters of opposition parties who were participating in small demonstrations or other political activity. All were released after brief detentions and without further charges.

The Government continued to harass parties critical of the Government by arbitrarily arresting party members, including close associates or relatives of opposition party leaders. During the summer, the Government arrested Etibar Guliyev, a nephew of Rasul Guliyev, co-chairman of the Azerbaijan Democratic Party. He was accused of smuggling on his return to Azerbaijan from abroad. Rza Guliyev, another nephew of Guliyev, was arrested in 1998, convicted of tax evasion after initially being charged with embezzlement, and is serving a sentence of 8 years in prison. Guliyev had been forced to resign as Chairman of the Parliament in 1996. He now is living abroad and is accused by the Government of large-scale embezzlement. The action taken against Guliyev's nephews appeared to be politically motivated. In June several members of the Popular Front Party were arrested and briefly detained following small demonstrations. This pattern of arrests and detentions recurred throughout the year.

Police detained protesters in Baku in May in an unsanctioned demonstration (see Section 2.b.). Police beat, harassed, detained, and arrested members of evangelical Christian and other groups, and seized their documents and property (see Section 2.c.).

In 1998 the Government arrested an aide to the chairman of the Popular Front Party, accusing him of illegal possession of a pistol and hand grenade, which independent observers believe were planted. It arrested two other associates of the Popular Front Party chairman at a demonstration in November 1998. All were convicted; one on a weapons charge and the other two of disturbing public order and resisting the police. The first was amnestied during the year, but the other two are still in prison. The Government convicted of embezzlement and jailed a deputy director of a state oil refinery previously run by Rasul Guliyev, a former chairman of the Parliament now living abroad whom the Government accuses of large-scale embezzlement.

In addition, the Government originally rejected the appeal for the release of journalist Fuad Qahramanli, who was being kept in prison for having written an unpublished article discussing opposition rally tactics. In July Qahramanli was granted amnesty (see Section 2.a.).

In 1997 an aide to opposition leader Isa Gambar and a relative of Gambar, initially detained for political reasons, were charged with failure to notify the Government of a crime, convicted, and sentenced to 3 years in prison (see Section 1.e.). Both were released in July.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for a judiciary with limited independence; however, in practice judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities. The President appoints Supreme and Constitutional Court judges, subject

to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. The Constitutional Court, formed in 1998, overruled several minor administrative and legislative acts as unconstitutional in its first full year of activity, but the short-term effect was limited. The judiciary also is widely believed to be corrupt and inefficient.

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

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

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

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

Opposition political parties and NGO's credibly estimate that the Government held about 50 political prisoners at year's end. The reduction from 75 prisoners in 1998 apparently reflected a combination of releases of some prisoners in a general amnesty and completion of jail sentences for others.

The Government continues to assert that it holds no political prisoners.

On February 17, a Baku district court found 14 participants in a November 8, 1998, opposition demonstration guilty of disturbing public order and resisting police. Four of the defendants are from the Popular Front Party, six are from the National Democratic Party, and six others are unaffiliated. The demonstrators were participating in a legally sanctioned rally that reportedly transpired without incident until a dozen assailants separate from the rally disrupted the event.

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

There were credible reports that individuals linked to opposition parties were fired from their jobs (see Section 2.b.). The Government continued to harass some opposition party leaders by arresting their relatives (see Section 1.f.). Police harassed and detained members of evangelical Christian and other groups, carried out arbitrary searches, and seized their documents and property (see Section 2.c.).

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government in some cases did not respect these rights in practice. The Government did not take any measures to reinstitute press censorship, which was abolished in 1998; however, actions taken by several prominent government officials, including an ongoing series of libel suits, many of which ended with the levying of excessively high fines (which, if ever collected, would immediately bankrupt any independent or opposition newspaper), created an atmosphere in which journalists exercise self-censorship. Most of the excessive fines have been appealed; however, in those cases in which there have been rulings, the appeals were denied. Prominent opposition politicians criticized the Government without reprisal; however, in one case, former president Elchibey was charged with slander in 1998 after he accused the President of having helped organize a terrorist organization, the Kurdistan Workers' Party (PKK), during the Soviet era. The charges were dropped in January.

While the press debated a wide variety of sensitive topics throughout the year, other factors restricted the public's ability to be informed about and discuss political issues. Most newspapers are printed in the Government's publishing house. The Government's near monopoly of publishing facilities and its control over the price of newsprint gives it leverage over the press, a critical matter given the precarious finances of most opposition newspapers. Some editors complain about having their print runs limited by the state printing press, and many cite the threat of increases in paper and printing prices as a constraint on the free press.

The spate of lawsuits by prominent government officials against opposition or independent media outlets also had a negative effect on freedom of the press in practice. Courts invariably ruled in favor of the government plaintiffs, while ruling against opposition plaintiffs pursuing similar charges against progovernment media outlets in all but two cases. It appears that the extremely high financial penalties levied by the courts were designed to repress criticism rather than to foster responsible journalism. However, none of the fines had been collected by year's end, and no media outlets were closed for that reason. Nevertheless, the media outlets in question credibly claimed publicly and privately that the threat of the charges forced them to exercise self-censorship.

Journalists were subject to violence. Several incidents were reported in June and July in which masked assailants kidnaped, beat, and threatened journalists. Two of the three cases of harassment of journalists involved journalists from Hurriyet, a newspaper associated with Rasul Guliyev. Although the number of violent incidents against journalists decreased during the year, despite promises of rapid action, police have yet to determine the identity of any of the assailants. While the Government denies any relationship with the assailants, the incidents involved opposition journalists who were warned to stop criticizing government officials or policies.

Rovshan Ismailov of Ganun (Law) magazine was beaten on April 13 in the Izami district of Baku. He said that he was shopping when several plainclothes police officers approached him, and he identified himself as a journalist. Following a verbal confrontation, Ismailov said that the officers beat him. At year's end no action had been taken against the officers.

In June unknown assailants kidnaped opposition journalist Kamil Tagisoy, whom unknown assailants kidnaped, beat, and warned to stop writing about President Aliyev's health. On June 30, three persons claiming to be employees of the National Security Ministry intercepted a car in which two journalists from the opposition newspaper Yeni Musavat were traveling and abducted the newspaper's deputy editor, Shirzad Mamedli. Mamedli was released 1 hour later after having been beaten severely.

Approximately 30 journalists and members of NGO's held an unsanctioned protest on July 6 in front of the Prosecutor-General's office in Baku to protest such harassment and violence against independent journalists. The previous day the Baku mayor's office had refused permission to stage the protest.

In May the Government rejected an appeal for the release of journalist Fuad Qahramanli of CAG newspaper (published by the Democracy Development Foundation), who was being kept in prison for having written an article that was never published. In June 1998, police from the Department Against Organized Crime declared the article, entitled "The Opposition Rally Tactics," to be dangerous and subversive. On July 11, the Government granted amnesty to Qahramanli (see Section 1.d.).

There has been no further action taken on the following cases: The beating of a journalist in February 1998; the attack on 34 journalists by police when they were reporting on an opposition rally in Baku in September 1998; and the attack on 4

journalists when they were protesting peacefully the defamation trial of Yeni Musavat in November 1998.

Despite government pressure and such attacks, the independent and opposition press played an active, influential role in politics. Articles critical of government policy and high government figures, including the President, and discussion of sensitive areas of domestic and foreign policy, appeared routinely in the opposition and independent print and broadcast media. The independent press does not always meet internationally accepted journalistic standards.

A large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 600, and the number actually publishing at least once a month at nearly 100. These included independent newspapers and newspapers with links to major and minor opposition parties. Government-run kiosks and 27 independent news distributors distributed opposition and independent newspapers. A number of editors continued to complain that the government-run kiosks refuse to carry their newspapers or claim to have sold all received copies while, in fact, retaining many unsold copies in stock.

The Government tightly controlled official radio and television, the source of information for much of the population because the cost of newspapers makes them unaffordable for most persons. Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting. Since 1993 no truly independent broadcaster has received a frequency from the State Commission on Radio and Television Frequencies and the Ministry of Communications. There are a limited number of private television stations, whose broadcasts can be received only in Baku or in local areas outside the capital. Only one of the private stations is not directly under the control of a government official, and it is believed widely that this station also has compromised its independence. Independent radio, preferred by the overwhelming majority of listeners, largely is oriented to entertainment, but one independent station airs political topics, although news is only a small portion of its program. Opposition parties had virtually no access to the official electronic media. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government.

Three independent television stations operate in Baku. Six independent television stations operating outside of Baku, which had been rebroadcasting without frequency licenses, were closed in July and August. In July and August, authorities—in one case armed with guns—forced all but two of the regional television stations that were broadcasting without licenses to close.

During the fall, authorities shut down the independent, foreign-owned television station SARA on the grounds that the law prohibits foreign ownership of domestic television stations. Observers noted that for 5 years Sara aired without problems as a mainly entertainment channel, until it started airing political programs in the summer; the Government closed down the station after it gave a prominent platform on a program to opposition leaders discussing the Nagorno-Karabakh dispute. On December 24, the Economic Court upheld a Lower Court ruling against SARA's owners.

At year's end, there were four independent television stations operating outside of Baku, one each in the cities of Ganja, Mingechevir, Quba, and Sumqayit. Four other independent stations in Quba, Tovuz, Zagatala, and Belakan, remain closed. Three Russian and three Turkish television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. Radio Free Europe/Radio Liberty and the Voice of America broadcast without restriction. There are no restrictions on reception of foreign stations via satellite. The Government granted new broadcast licenses to a few foreign radio stations, plus several regional television stations directly under the control of the local executive commission. The Government has delayed action for more than a year on the applications to broadcast of more than 10 independent broadcasters.

The Government allowed limited Internet access. There are 2 Internet service providers, although more than 12 vendors sell accounts. Both providers have formal links with the Ministry of Communications. Connecting costs, which average $3 per hour (down from $10 per hour in 1998), are still beyond the budgets of most citizens; few citizens have accounts of their own. Many persons believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition-oriented intellectuals and leaders (see Section 1.f.).

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

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government restricts this right when it decides that it is in its interest to do so. Authorities frequently prevented political parties critical of the Government from conducting many indoor meetings as well as outdoor gatherings. The Government allowed some political party gatherings, such as the Popular Front's 10th anniversary meeting in July. Authorities also permitted opposition parties to organize so-called "pickets," demonstrations with less than 50 participants. Authorities cited questionable security considerations repeatedly to ban any larger demonstrations throughout the year.

The Government detained persons at unauthorized rallies and meetings, but released them without charges after brief detention. Police briefly detained demonstrators at the May 8 rally before releasing them without charges. Police forcibly dispersed an unsanctioned demonstration on May 8. The demonstrators, organized by a combination of opposition parties, were attempting to assemble near a Baku cemetery to march to the Karabakh front over a hundred miles away to protest Armenian occupation of Azerbaijani territory. The Government refused to issue a permit for the march and ordered police to break up the rally. Several protesters were detained briefly before being released without charges (see Section 1.c.). In July journalists and members of NGO's held an unsanctioned protest in Baku to protest harassment and violence against independent journalists (see Section 2.a.).

Heads of local governments in several different sections of the country repeatedly refused the requests of opposition members of Parliament, such as Popular Front First Deputy chairman Ali Kerimov, to hold organized meetings with constituents and interested citizens. On several occasions, central government authorities intervened to overrule the local authorities and allow Kerimov and other opposition members of Parliament to hold the meetings.

Four participants in a November 1998 opposition rally were arrested and sentenced to jail terms of up to 3 years; however, none of the persons who attacked these peaceful demonstrators has been arrested, despite the fact that the faces of the attackers apparently were recorded on film. At year's end, no action had been taken against the attackers.

The Constitution provides for freedom of association, although in practice the Government continued to restrict this freedom when it was in its interest to do so. The Government requires political parties to register. There are over 30 registered political parties. Some of these are affiliated with or support the President's party. At least 10 registered parties are considered opposition parties. The Government continued to refuse to register the Azerbaijan Democratic Party; the Supreme Court is to hold a hearing early in 2000 on the Democratic Party's suit against the Government. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly, and members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters initiative group." Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties running in municipal elections had to run as independents, or be nominated by a registered party or another voter initiatives group.

Credible reports of harassment, including beatings, of political figures continued. There were credible reports that individuals linked to opposition parties (and their relatives) were fired from their jobs. Members of Parliament who switched to opposition parties were, in some cases, subjected to criticism in the government media and to anti-member rallies promoted by local authorities in the home districts of those members. The Government has not yet returned the Popular Front's headquarters nor many of its regional offices, which were seized in 1993.

Explicitly ethnically or religiously based parties have not been registered.

The Government generally allowed private associations to function freely. The Ministry of Justice requires private organizations to register but does not grant this registration freely and expeditiously. It denied or unduly delayed registration for numerous private voluntary organizations, including two private human rights organizations. Nevertheless, unregistered associations functioned openly.

c. *Freedom of Religion.*—The Constitution allows persons of all faiths to practice their religion without restrictions, and the Government respects this provision in practice for Shi'a and Sunni Muslims, Russian Orthodox Christians, and Jews; however, other religious groups, which lack a long history in the country, are subjected routinely to low level harassment. The Government frequently used clauses in the Law on Religious Freedom to restrict religious activity by foreigners and nontraditional religious groups. There is no state religion, and the right to choose or change one's religious affiliation is provided for.

The Law on Religious Freedom contains provisions that allow the Government to restrict effectively religious activity by foreigners and even Azerbaijani members of nontraditional religious groups. These restrictions consist of burdensome registration requirements, limitations on freedom to proselytize, and interference with dissemination of printed materials. Most of the groups affected note that these restrictions have been applied sporadically, and most groups operate freely. Where these restrictions are applied, they are used to harass minority religions rather than eliminate them. In addition a law on foreigners and stateless persons contains language that prohibits religious "propaganda" by foreigners. This provision was reinforced by a presidential decree in 1997, and the Government uses these and other legal provisions to restrict religious activity by foreign, and to a lesser degree Azerbaijani, members of nontraditional religious groups. There is no state religion.

In early November President Aliyev announced to the National Security Council, and later in a nationwide television broadcast, that the Government henceforth would abide by OSCE standards of religious liberty. Apparently in conformity with his directives, government officials subsequently took steps to rectify some past violations of these standards, including the registration of a number of religious organizations that previously had been denied registration.

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. This is in principle done by obtaining approval from the Department of Religious Affairs and then applying for formal registration with the Ministry of Justice. The Government states that so far it has registered approximately 190 Muslim organizations and 50 "other" groups. In practice, however, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an independent entity subordinated directly to the Council of Ministers, has been a bottleneck in the registration process. A wide variety of religious groups have been subjected to interminable delays, and a number of them remain unregistered; however, in response to the President's November calls for adherence to international standards of religious liberty, the Government took several steps to rectify previous problems.

Registration enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups often continue to operate, but participants are subject to arrest, fines, and—in the cases of foreigners—deportation. Human Rights Watch alleged in February 1998 that officials responsible for registration have taken bribes in order to facilitate registration. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date—the Pentecostal "Word of Life" Church—lost its case in May 1998. The Catholic Church was registered in April after an 18-month delay. Following the President's November statements, the Government, specifically the Department of Religious Affairs and the Ministry of Justice, took action on several applications by religious groups for registration that had been languishing, in some cases for years. The Cathedral of Praise and the Nehemiah were registered in December, but at year's end Jehovah's Witnesses were not registered. Prompted by the November statements, some other religious groups that had been operating under continual low-level harassment because the Religious Affairs Department earlier had denied them registration were seeking registration at year's end.

The Religious Affairs Department repeatedly sought to interfere in the internal affairs of at least two religious groups, refusing to permit a Catholic Church to select its own priest and refusing to recognize the Evangelical Lutheran Church's right to select its own leadership. In December, the President's office overruled the Religious Affairs Department and officially recognized the right of both groups to make their internal organizational decisions freely and without interference.

Six Jehovah's Witnesses were fired for their religious affiliation in September in Garadag, and, along with two others, were given administrative fines by the local government. In November, following President Aliyev's public comments, the six were reinstated in their jobs with full back pay. The eight members now are pursuing an appeal of their administrative fines through the court system. A member of the Jehovah's Witnesses in Khachmaz was detained by police in August; he reportedly was beaten, and his religious material was confiscated. In December the prosecutor's office opened an investigation into the police actions.

In September police interrupted a service at the legally registered Evangelical Baptist church and detained approximately 70 worshippers. Authorities sentenced two Azerbaijani church officials to 15 days in jail on charges of resisting police. Other religious groups reported police harassment in August and September. Some

religious groups reported that the harassment ceased after President Aliyev's public comments in November.

The Law on Religion subordinates all Islamic religious organizations to the Azerbaijan-based Spiritual Directorate of Caucasus Muslims. In June a court decided in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photography. The judges ruled in favor of the women, who said that there was nothing in the law that prevented them from wearing Islamic headscarves in official photographs. In September the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end (see Section 1.f.).

The Law on Religion also permits the production and dissemination of religious literature only with the approval of the Department of Religious Affairs and with the agreement of local government authorities. The Government now interprets this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to engage in that activity. For example, the Department of Religious Affairs in October 1998 held up a shipment of books imported by a private individual not associated with a local congregation for sale at a legally registered bookstore in Baku after it determined that some of the books had religious content. The books were held until June when the Deputy Prime Minister's office overruled the Religious Affairs Department and ordered the books released to the bookseller. In one case, officials delayed the importation of a shipment of religious literature by a private individual not associated with a local congregation; on June 10 the shipment was released by customs.

The Department of Religious Affairs sought throughout the first half of the year to prevent a local bookstore from importing books with religious content. The Department based its restriction on a clause in the Law on Religious Freedom that states that religious groups may produce, import, and disseminate religious literature. The Department of Religious Affairs argued that this clause means that only religious groups may engage in such activities. The Council of Ministers overruled the Department in June, ordering the books released to the bookseller.

Some government bias against foreign missionary groups persisted. Foreign Christian and other groups complained credibly of official harassment. Members of unregistered groups are subject to arrest and fines, and foreigners can be deported. Foreign Christian and other groups were subject to harassment and detention under a provision in the Law on Religious Freedom banning "religious propaganda" by foreigners. The Department for Religious Affairs also used the provision of the law on foreigners and stateless persons that prohibits religious "propaganda" (i.e., proselytizing) by foreigners, to harass foreign missionaries and religious figures. In September nine foreigners were arrested and sentenced to deportation under this provision. In November the Supreme Court overturned these sentences, ruling that they violated constitutional provisions for religious freedom. In January and June, articles appeared throughout the press crudely depicting Christian missionary groups as a threat to the nation. In August several evangelical Christian and other religious groups reported a wave of police harassment, including detention, arbitrary search and seizure of documents and other private property, and warnings to desist from religious activity. In September the police interrupted a service at the legally registered Baptist Church and began questioning worshippers. Without giving a reason for their action, uniformed and plainclothes police officers refused to release persons until obtaining their names and addresses. Police criticized ethnic Azeri Christians for dropping their Muslim affiliation. Approximately 70 Azeris and foreigners were detained for several days of questioning. Two Azeri pastors were sentenced to 15 days in jail for allegedly resisting the police, a charge contested by all available witnesses.

Because of anti-Armenian sentiment and the forced departure of most of the Armenian population, Armenian churches remained closed (see Section 5). The same situation prevails for Azerbaijani mosques in the portions of southwest Azerbaijan controlled by Armenian separatists (see section 5). The Jewish community has freedom to worship and conduct educational activities and, during the year, enjoyed the public support of the Government.

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

Some government officials share the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions (see Section 5). For example an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August for changing his religious affiliation and becoming a member of Jehovah's Witnesses.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return, and the Government generally respects these provisions; however, at times it limited the movement of members of opposition parties. In at least one case, the Government limited the movement of members of opposition parties. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan. Local officials harass and deny passports to some members of the Armenian minority who wish to emigrate.

In late 1998 and early this year, former president Abulfaz Elchibey was prevented from traveling outside Baku for approximately 2 months while under investigation and on trial for insulting the President; the charges were dropped in February.

The Government officially recognizes freedom of emigration. Jewish emigration to Israel and other countries is unrestricted by the Government. However, with the majority of those who wish to emigrate already having left, the number of Jewish emigrants is now small. The remaining Armenian population in Azerbaijan (other than Armenians residing in the Nagorno-Karabakh region of Azerbaijan) is approximately 10,000 to 20,000, almost exclusively persons of mixed descent or in mixed marriages. While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes harassed Azerbaijani citizens of Armenian origin who sought to emigrate or obtain passports.

There were no draft notifications that restricted movement during the year. Draft-age men must obtain documents from military officials before they can leave for international travel.

The number of refugees and internally displaced persons from the Nagorno-Karabakh conflict is approximately 800,000. Armenians have settled in parts of the occupied territories. However, Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes. The Government provides almost no assistance to these persons, who rely on donations from foreign countries. Most of these internally displaced persons continue to live in camps and other temporary shelters, often at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians in Nagorno-Karabakh, Armenia, and the Azerbaijani exclave of Nakhchivan.

The Constitution provides for political asylum consistent with international norms. The Government is receptive to international assistance for refugees and IDP's. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) 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 expulsion of persons with a valid claim to refugee status.

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

In theory the election law and Constitution allow citizens to change their government by peaceful means; however, the Government continues to restrict citizens' ability to change their Government peacefully by interfering in elections.

Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive. As a result of the flawed 1995 parliamentary elections, the New Azerbaijan Party led by President Aliyev, along with other parties and nominally independent deputies loyal to the President, occupy the overwhelming majority of seats in the 125-member Parliament. The ruling party held its first party congress in December. Parties considering themselves as belonging to the opposition hold 20 seats and formed a unified bloc in April, but their ability to influence legislation is less than marginal. Opposition parties continued to be active outside the Parliament, agitating for their views in their newspapers and through public statements. However, the Government continued to deny registration to the opposition Azerbaijani Democratic Party (see Section 2.b.).

Parliamentary by-elections were held on two occasions and were marked by claims of fraud, although the lack of independent observers made verification impossible.

The 1998 presidential election was an improvement over the previous elections, especially in regard to reduced multiple voting and the presence of domestic observers. However, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote

counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. The observed irregularities and lack of transparency in vote counting led to serious doubts about the accuracy of the 76 percent of the vote officially recorded for President Aliyev. In August newspapers quoted the chairman of the CEC as admitting that Aliyev's vote total had been overstated by 12 to 15 percent. International observers, including the OSCE/ODIHR, concluded that the election did not meet international standards.

Courts did not give serious consideration to the complaints filed by runner-up E'tibar Mammedov, who charged that the President did not receive the necessary two-thirds vote to avoid a run-off. The CEC did not publish vote totals of election districts within the time period required by the election law, and by the end of 1999, it still had not published vote totals for election precincts. The election law required that the full vote totals be published within 30 days of the election; that is, by November 11, 1998.

During and prior to the presidential election campaign, the Government took a number of steps to improve the election and overall political environment. In addition to amending the election law, the Government abolished press censorship, ended the criminal investigation of certain opposition figures, allowed the opposition to conduct some rallies, and gave registered opposition presidential candidates access to state broadcast media. On the other hand, the state media's reporting on the election was biased heavily in favor of the President. The CEC and local commissions were insufficiently representative and did not function impartially. The Government did not fully respect freedom of assembly.

The 1995 Constitution required that the country's first-ever municipal elections be held by November 1997. However, the elections were delayed repeatedly until they were finally held on December 12. The municipal election process was deeply flawed. The legislation governing the elections reflected some recommendations of international observers, but several serious problems were not remedied. The process of selecting territorial and precinct electoral commissions to oversee the municipal elections was marred by widespread irregularities with an overwhelming pattern of favoring the ruling party and supporters of local authorities. The process of registering candidates was marred similarly by widespread irregularities, that favored the authorities. The elections themselves were criticized heavily by observers, including the Council of Europe (COE), which noted numerous instances of ballot-stuffing, voter intimidation, and other violations.

Major opposition parties, with the exception of the unregistered Azerbaijan Democratic Party (see Section 2.b.) and the Azerbaijan National Independence Party (chaired by presidential election runner-up Mammedov), agreed to participate in the December municipal elections.

There are no legal restrictions on women's participation in politics; however, traditional social norms restrict women's roles in politics. In past elections and also in the December municipal elections, in a practice known as family voting, men often cast the votes of their wives and other female members of their families. In the 1998 presidential election, this practice was seen less often. There are 11 female Members of Parliament and 2 women with ministerial rank.

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

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

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

The Government has demonstrated a limited willingness to discuss human rights problems with international and domestic nongovernmental organizations (NGO's). The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh. However, the ICRC has requested and been denied access to prisoners not related to the Nagorno-Karabakh conflict being held in special security and other prisons.

Government officials occasionally criticize human rights activists. The chief prosecutor threatened the chairman of the Azerbaijan Human Rights Center, Eldar Zeynalov, with criminal prosecution if he continued to claim that Azerbaijan held political prisoners. Zeynalov's organization continues these claims about political

prisoners, and he has faced no legal action. The Government registered the Azerbaijan Human Rights Center in November; its chairman Eldar Zeynalov now is routinely granted access to prisons and the Center operates normally.

The Ministry of Justice continued to deny registration to many local human rights NGO's, but the Government has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

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

In August the Government created a Commission on Human Rights, funded by a $400,000 U.N. Development Program grant, which is headed by Justice Minister Sudaba Hasanova. By year's end, the commission had not taken any significant actions.

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

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

Women.—Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society, but it remains a problem. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punishable, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. Police statistics note that, compared with the first 6 months of 1998, rape and rape attempts increased by 50 percent in the first 6 months of the year. This increase appears to be due to both an increase in actual instances and an increase in the reporting of such cases, although the figures still reflect considerable underreporting, especially from conservative rural areas. There are no government sponsored or funded programs for victims of violence. There are no specific laws concerning spousal abuse or spousal rape.

Prostitution is a prominent problem, particularly in the capital city of Baku. Most women become prostitutes in order to support their family, and sometimes it even is encouraged by the family due to the large amount of money to be made. The Society for the Defense of Women's Rights (SDWR) held a mid-February conference to highlight concerns over the growing incidence of prostitution and sexually transmitted diseases. At the conference, it was reported that there are more than 30 illegal houses of prostitution in Baku alone, the majority of which are run by high-ranking officials in government and routinely used by members of the prosecutor's office and the police.

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

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

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

Children.—The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the Government's ability to carry out these commitments. Education is compulsory, free, and universal until the age of 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low. The Government has authorized subsidies for children in an attempt to shield fami-

lies against economic hardship in the wake of price liberalization, but these subsidies do not come close to covering the shortfall in family budgets. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children sometimes beg on the streets of Baku and other towns.

There is no known societal pattern of abuse of children.

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

Religious Minorities.—There is considerable popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and so-called "nontraditional" religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. During the year, articles periodically appeared in progovernment and independent newspapers and electronic media crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with the intelligence sources of Christian Russia and Armenia, portraying them as part of a plot to undermine or control Muslim Azerbaijan.

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

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

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

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which the Armenians forced approximately 550,000 ethnic Azerbaijanis to flee their homes and where those mosques that have not been destroyed are not functioning.

Jews generally do not suffer from societal discrimination. However, according to the Union of Councils for Soviet Jews, two Baku synagogues were desecrated in the fall of 1998. According to press reports, evangelical Christians are not welcome in Nagorno-Karabakh, a part of the country not under government control.

National/Racial/Ethnic Minorities.—The outbreak of hostilities, anti-Armenian riots, and economic collapse in the final years of the Soviet Union led to the expulsion of almost all Armenians and the departure of Russians and others. An estimated 10,000 to 20,000 Armenians still live in Azerbaijan, mostly women with ethnic Azerbaijani or Russian husbands. Most seek to shield their national identity. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. Armenians have complained of discrimination in employment and harassment at schools and workplaces and of refusal of local government authorities to pay pensions. The problem of local government authorities refusing to grant passports to Armenians has been reduced. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

Indigenous ethnic minorities such as the Talysh, Lezghis, Avars, and Georgians do not suffer discrimination. However, Meskhetian Turks displaced from Central

Asia as well as Kurdish displaced persons from the Lachin region complain of discrimination.

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

Section 6. Worker Rights

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

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

The Constitution provides for the right to strike, and there are no legal restrictions on strikes or provisions for retribution against strikers. There were a number of threatened strikes in the oil industry during the year over wage arrears, all of which were prevented through negotiations and compromises. Oil workers continue to demand restoration of wage arrears amounting to several months pay. They do so internally but not through public protest. There are no established mechanisms to avoid wildcat strikes.

Unions are free to form federations and to affiliate with international bodies; however, none has done so.

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

There are no export processing zones. A 4-year effort supported by the United Nations Development Program to create an economic zone in Sumgait was abandoned early in the year; Parliament never considered legislation to create such a zone.

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

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

e. *Acceptable Conditions of Work.*—The Government sets the nationwide administrative minimum wage by decree. It is $3.00 (12,500 manat) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to

be $50 (215,000 manat) per person. Since practically all persons who work earn more than the minimum wage, enforcing its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Until the collapse of the Russian economy in 1998, many Azerbaijanis (estimates range as high as 1 million) supported themselves on remittances from relatives working in Russia, primarily as street traders. This source of support was curtailed severely during the year, although reliable statistics as to the precise amounts involved are not available. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

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

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

f. *Trafficking in Persons.*—Azerbaijan is a source and a transit point for trafficked women. The women who are trafficked engage in labor, mainly associated with the sex industry, and forced prostitution. Women from Azerbaijan usually are sent to the United Arab Emirates (UAE) or Western Europe, mainly Germany, to participate as workers in the sex industry (for example, in strip clubs) and as prostitutes. Women from Iran, Russia, and sometimes Iraq, are transported through Baku to the UAE, Europe, and occasionally the United States for the same purposes. The problems of trafficking in women and sexual exploitation are addressed briefly in the Criminal Code, but are largely unknown and ignored. Two of the country's 18 women's NGO's deal with the problems of trafficking in women and prostitution, mainly by concentrating on educating women, particularly those in rural areas, about the dangers of such practices.

BELARUS

Belarus has a government in which nearly all power is concentrated in the hands of the President. Since his election in July 1994 to a 5-year term as the country's first President, Alexandr Lukashenko has consolidated power steadily in the executive branch through authoritarian means. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. The President ignored the then-Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the current political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner. Most members of the international community criticized the flawed referendum and do not recognize the legitimacy of the 1996 Constitution, legislature, or Alexandr Lukashenko's continuation in office beyond the legal expiration of his term in July. Although the amended Constitution provides for a formal separation of powers, the President dominates all other branches of government. The current acting legislature was not elected directly, but was created out of the remnants of the former Parliament, which Lukashenko disbanded soon after the 1996 referendum. The Constitution limits the legislature to meeting twice per year for no more than a total of 170 days. Presidential decrees made when the legislature is out of session have the force of law, except—in theory—in those cases restricted by the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that President Lukashenko has interpreted broadly. The judiciary is not independent.

Law enforcement and internal security responsibilities are shared by the Committee for State Security (KGB) and Ministry of Internal Affairs (MVD), both of which answer directly to the President. Civilian authorities do not maintain effective control of the security forces. Under President Lukashenko's direction, the Presidential Guard—initially created to protect senior officials—continued to act against the President's political enemies with no judicial or legislative oversight. On May 25, the Law on the State Guard officially entered into force. The law, which already

had been operative on a de facto basis for a number of years, gives the President the right to subordinate all security bodies to his personal command.Members of the security forces committed numerous human rights abuses.

The country's political leadership opposes any significant economic reforms and remains committed ideologically to a planned economy. Government officials claimed that the gross domestic product (GDP) grew during the first 6 months of the year by 3 percent, but most independent analysts agree that any growth that has occurred was the result principally of continued massive credits to the debt-ridden state sector. Discriminatory foreign exchange controls have contributed to sharp declines in foreign trade and investment. Both exports and imports continued to fall given the country's growing isolation from world and regional trade flows. Foreign investment fell by 42 percent to $30 million during the first 6 months of the year. Per capita GDP remained constant at approximately $1,100, but in reality was probably much lower. Leading exports are trucks, tractors, chemical fertilizers, and fibers. The majority of workers are employed in the state industrial and agricultural sectors. Although the unreliability of official statistics makes it difficult to assess accurately economic conditions, living standards for many segments of society continued to decline. Annual inflation was over 350 percent. Following a doubling by the Government on May 1, average monthly wages stood at approximately $40 at mid-year. Residents of small towns and rural areas, where incomes are particularly low and wage arrears more prevalent, sustain themselves through unreported economic activity and small gardens.

The Government's human rights record worsened significantly. The Government severely limits the right of citizens to change their government, and the President took severe measures to neutralize a large-scale public campaign initiated by opposition leaders to draw attention to the expiration of his legal term in office on July 20. Well-known political figures disappeared under mysterious circumstances. Security forces continued to beat political opponents and detainees. There were reports of severe hazing in military units during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated arrests increased, although most of those arrested soon were released. Prolonged detention and delays in trials were common and also occurred in a number of politically sensitive cases. Although one political prisoner was released, at least one other individual whose conviction human rights groups believe was politically motivated remains incarcerated. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Restrictions on freedom of speech, the press, and peaceful assembly continued, and the Government did not respect freedom of association. The Government continued to impose limits on freedom of religion, and restricted freedom of movement. Government security agents monitored closely human rights monitors and hindered their efforts. Domestic violence and discrimination against women remained significant problems. Societal anti-Semitism persists. Authorities continued to restrict workers' rights to associate freely, organize, and bargain.

RESPECT FOR HUMAN RIGHTS

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

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

b. *Disappearance.*—On May 7, former Minister of Internal Affairs Yury Zakharenko disappeared shortly after he told his family in a telephone conversation that he was on his way home. Zakharenko, a close associate of the then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative, in which Chigir was one of the principal candidates. Witnesses reported seeing Zakharenko on the evening of his disappearance being pushed by several men into an unmarked car. According to Zakharenko's family, government security officials did little to look for him or inquire into the details of his disappearance. On May 19, Minister of Internal Affairs Yury Sivakov stated publicly that there was "no information" to indicate that a crime had been committed against Zakharenko. An investigation into the disappearance apparently was begun only several months later after another opposition political figure disappeared in mid-September.

On September 16, following a meeting earlier during that day broadcast on state television in which President Lukashenko ordered the chiefs of his security services to crackdown on "opposition scum," 13th Supreme Soviet Deputy Chairman Viktor Gonchar disappeared, along with local business associate Anatoliy Krasovsky. Shortly before his disappearance, Gonchar telephoned his wife to inform her that he was

on his way home. Broken glass and blood were discovered later at the site where relatives and friends of the men believe the vehicle in which the two were travelling may have been stopped. A high-profile antigovernment politician, Gonchar was considered an active fund raiser for the opposition. Although government authorities denied any involvement, there is no public evidence of concrete progress by government investigators to resolve the cases.

In mid-December, former National Bank chairwoman Tamara Vinnikova, who disappeared from an apartment where she had been held closely guarded under house arrest since November 1997 (see Section 1.d.), reappeared. Vinnikova apparently was able to escape from her guards and eventually make her way to another country (see Section 1.d.).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The 1996 Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman, or degrading treatment; however, police and prison guards beat detainees and prisoners. Law enforcement and prison officials may use physical force against detainees and prisoners if the latter are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors credibly report that investigators coerce confessions through beatings and psychological pressure. Although such behavior is against the law, the Government seldom, if ever, punishes those who commit such abuses. Guards use force against detainees to coerce confessions as well as during routine activities. Police also beat demonstrators (see Section 2.b.).

On April 2, plainclothes security officials beat opposition activist Halina Kunina following an unsanctioned demonstration in Minsk, during which over 20 persons—including 9 minors—were detained. Kunina reportedly was hospitalized with a concussion for several days.

On April 25, Omon special forces militia in the city of Grodno used truncheons and tear gas to break up a peaceful demonstration of approximately 40 youths who were staging a march to mark the anniversary of the Chernobyl disaster. Subsequently, nine demonstrators were detained briefly for between 2 to 4 days, including one who required medical attention for a concussion she received during the incident.

On June 11, following a trial closed to the public, press, and international observers, the Supreme Court sentenced Viktar Yancheuski, Anatol Haurylau, and Raman Radzikouski to 11, 5, and 4 years in prison, respectively (Radzikouski later received amnesty) for their alleged roles in the murder of Lukashenko adviser and Mahileu local government official Yauhen Mikalutski. Mikalutski was killed in October 1997 by a radio-controlled car bomb. Independent local analysts speculate the murder was probably connected with the illegal trade of alcohol to Russia. Government authorities claimed that Valery Tkachev, another suspect in the case, committed suicide by hanging himself in a detention facility in December 1997. Relatives of Yancheuski, Haurylau, and Radzikouski claimed that government investigators used physical coercion against the defendants in order to try to get them to confess to a crime that they did not commit. The officers of the Minsk Advisory and Monitoring Group (AMG) of Organization for Security and Cooperation in Europe (OSCE), who were permitted to interview the defendants, found that their statements of beatings while in detention were credible, noted that it was clear that they were under heavy psychological pressure to cooperate, and that they had not been given access to legal counsel.

On July 17, Uladimir Antonaw, a 20-year-old member of the youth branch of the opposition Belarusian Popular Front, was detained by militia officers in Minsk for allegedly writing anti-presidential slogans on public buildings. No charges officially were brought against him, but Antonaw was detained for 5 days. Antonaw claims that militia officers beat him with truncheons and tried to coerce him to confess. The local human rights nongovernmental organization (NGO) Spring '96 confirmed Antonaw's account of the treatment he received while in detention.

Over 70 persons were detained briefly following demonstrations in Minsk and other cities on July 21 and July 27. Government security officials beat some of the detainees (see Section 1.c.).

Following the July 21 demonstration, militia officers in Minsk beat Oleg Volchek, an opposition activist and chairman of a nongovernmental commission investigating the disappearance of former Internal Affairs Minister Yury Zakharenko. Volchek, who was treated and released that evening for the injuries he sustained, later filed an official complaint about the conduct of the militia officers with a local prosecutor's office. Charges of "malicious hooliganism" filed against Volchek for his participation in the demonstration later were dropped; however, government authorities

also did not take any disciplinary action against the officers involved in the beating incident.

Pavel Znavets, deputy of the 13th Supreme Soviet, illegally disbanded by Lukashenko after a 1996 referendum (see Section 3) also was detained and beaten following the July 21 demonstration. Militia officers in Minsk reportedly also beat Alyaksey Lapitski, a member of the Frantsysk Skaryna Belarusian Language Society (BLS), whom they detained for participating in the demonstration. A subsequent medical examination confirmed Lapitski's account of physical abuse. The BLS filed an official complaint with local authorities. There were reports that no disciplinary action was taken against the officers involved in these cases.

On July 27, 21-year-old Yawhen Asinski was detained for allegedly kicking a militia officer during an opposition demonstration commemorating the anniversary of the declaration of Belarusian sovereignty from the Soviet Union (see Section 1.d.). At a news conference held by the human rights NGO Spring '96, following his release on September 6, Asinski claimed that uniformed militia and plainclothes government security officers hit him in the abdomen, kidneys, and back both before and after his arrest. According to Asinski, he was subjected to food and sleep deprivation during his first three days in detention and placed with 18 other prisoners in a cell meant for up to 10 persons. An OSCE observer who later interviewed Asinski found his claims of physical abuse to be credible. Charges of "malicious hooliganism" filed against Asinski remained pending at year's end.

On October 17, uniformed and plainclothes security forces beat demonstrators who were detained following a large antigovernment demonstration in Minsk (see Sections 1.d. and 2.b.). At least 20 of the demonstrators subsequently registered their accounts of physical abuse while in custody with the Minsk-based Independent Association for Legal Assistance to the Population. On October 19, police officers of the Sovietsky District station in Minsk beat 13th Supreme Soviet Deputy and well-known independent journalist Valery Schukin following his detention for participation in the demonstration.

On December 13, 13th Supreme Soviet Deputy Andrei Klimov, who had been held in pretrial detention on politically motivated charges since February 1998 (see Section 1.d.), was beaten severely by prison guards after he refused to attend a court hearing on his case. During the beating, Klimov suffered a concussion and other injuries. Despite the recommendation of examining doctors, Klimov was not permitted immediate hospitalization. On December 23, the Procurator General's office announced that it would not institute criminal proceedings against the officers involved in the incident since they had taken "adequate measures" with regard to Klimov.

The Ministry of Defense announced in 1996 that "dedovshchina," the practice of hazing new recruits, would no longer be tolerated. However, this practice apparently has not abated. According to official data, 48 cases of "dedovshchina" were reported during the first 8 months of the year. During 1998 73 cases were reported.

Prison conditions are poor, and are marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and AIDS. Conditions at prison hospitals also are poor, according to human rights monitors. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to their declining health while they awaited trial. AMG officers who visited a detention facility in Vitebsk during June noted that in 1 cell 16 female prisoners shared 10 beds, while in another, 14 prisoners between the ages of 14 and 17 shared 8 beds. During an interview with a government newspaper in February, the deputy procurator general acknowledged continued severe prison overcrowding. He stated that detention centers and corrective labor institutions house 150 percent of the authorized number of prisoners, and noted the problem facilitated the spread of contagious diseases. On November 3, Minister of Internal Affairs Yury Sivakov publicly acknowledged that the country's total prison population remained at over 60,000 persons, and that prison conditions in the country did not meet "basic standards." A government amnesty for lesser offenders that went into effect on January 21 was intended to decrease the total prison population by approximately 8,000 inmates, but it is unclear to what extent it was implemented. Those convicted of alleged "economic crimes," for example, reportedly were granted amnesty and released from prison only after payment of financial restitution.

Male and female prisoners are housed separately. Following an inspection of a correctional facility for women in Gomel on June 22, Minister of Internal Affairs Yury Sivakov noted in an interview with the official press that, although it was intended to house only 1,350 inmates, it currently held 2,800. He commented "here women are not serving time but are suffering, and correctional facility Number 4 is our headache."

Human rights monitors sometimes were granted access to observe prison conditions, although the Government did not honor some requests to meet with individual prisoners. OSCE AMG officers, for example, were permitted to visit former Minister of Agriculture Leonov and State Farm Director Staravoitov (see Section 1.d.) on August 13 and 24, respectively. However, an official AMG request to visit Viktor Gonchar, who was detained on March 1 for 10 days on charges related to his involvement in an opposition presidential initiative, was not granted (see Section 1.b.). The AMG was not given access to Gonchar despite an appeal by the OSCE that he be released and reports that Gonchar was on a potentially health-threatening nonliquid hunger strike (see Section 2.b.). Despite his weakened condition, government security officials released Gonchar upon completion of his sentence by dumping him from a car into a pile of snow near his home. Gonchar subsequently disappeared in September. (see Section 1.b.)

d. *Arbitrary Arrest, Detention, or Exile.*—The Government has amended only slightly its Soviet-era law on detention, and during the year, security forces continued to arrest arbitrarily and detain citizens, most often in connection with demonstrations, some of which were not authorized. There continued to be politically motivated arrests, although most of those arrested soon were released. The Criminal Procedure Code provides that police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator deems the detention legal, a suspect can be held for a maximum of l0 days without formal charge. However, usually once the decision is made to hold a suspect, a formal charge is made. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the Procurator General can extend pretrial detention to 18 months to allow for further investigation. Alternatively, a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on the pretrial investigation. The law allows detainees the right to apply to the court (rather than the procurator) to determine the legality of their detentions. However, in practice, suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because detainees are at the mercy of investigators, and detention officials are unwilling to forward the appeals. There is no provision for bail under the current legal code. According to the Belarusian-Helsinki Committee, in late 1998 there were 64,000 persons in detention.

By law detainees may be allowed unlimited access to legal counsel, and, for those who cannot afford counsel, the court appoints a lawyer. However, investigators routinely fail to inform detainees of their rights and conduct preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained then is used against the defendant in court. Even when appointed by the State, defense attorneys are subordinate to the executive branch of power.

Detainees and lawyers both report restrictions on consultations. Following the arrest of opposition leader and former Prime Minister Mikhail Chigir on March 30, government authorities initially refused his request that his wife, an attorney, officially represent him. However, this decision later was changed to allow Mrs. Chigir to act in this capacity. Chigir was released on November 30, but informed that he still faced trial on charges of negligence and abuse of power. Government authorities have disbarred or threatened to disbar a number of attorneys who have been involved in politically sensitive cases.

Although on August 10 the Ministry of Justice agreed to register the Association for Legal Assistance to the Population (ALAP), an independent organization that provides legal assistance to those who have suffered from police brutality or political persecution, it subjected the organization to a comprehensive "inspection" on October 20, shortly after a large antigovernment demonstration during which the ALAP maintained that a large number of persons were beaten by government security officials. On November 9, the Ministry of Justice suspended the ALAP's license due to such irregularities as alleged violations of the advertising law in its newspaper advertisements. On December 28, the Ministry of Justice informed the ALAP that its license to provide legal services would not be renewed. However, the ALAP maintains that a license is required only to work with business organizations, and intends to continue to try to assist private individuals.

Prominent human rights attorney Vera Stremkovskaya, who was threatened with disbarment by the Ministry of Justice and Minsk Collegium of Advocates in late 1998 for comments she made during a foreign trip that were critical of human rights violations in Belarus, was charged with slander by a local prosecutor's office on April 14. The charge stemmed from comments she made during judicial proceedings in defense of Vasiliy Staravoitov, a state farm director charged with embezzlement. The procurator general's office pursued the case throughout the year and called Stremkovskaya in for official questioning on September 29. However, the charge

subsequently was dropped in late December due to lack of evidence. The treatment of Stremkovskaya highlighted the lack of a truly independent bar association and political interference in the legal process (see Section 1.e.).

As in 1998, the Government again held hundreds of political detainees during the year. Most were peaceful participants in antigovernment demonstrations who were held anywhere from several hours to several days (see Section 2.b.). For example, Yawhen Skocha, a deputy chairman of the Belarusian Popular Front (BNF) youth movement, was given a 10-day "administrative" sentence on February 15 for leading an unsanctioned, but peaceful, antigovernment demonstration the previous day in Minsk, following which a total of 15 persons were detained briefly. On June 10, Skocha was given an additional 1-year suspended sentence on a charge related to the demonstration—"organization of a group action in violation of public order."

On May 1, 19 opposition activists, including the chairman of the Belarusian Social Democratic Party (BSDP), were detained briefly for attempting to participate in an official Labor Day celebratory event in Minsk. Viktor Babayed, the chairman of the Belarusian Congress of Democratic Trade Unions, also was detained briefly.

On July 21, government security officers arrested and briefly detained 53 persons who participated in an unsanctioned, but peaceful, antigovernment demonstration. On July 27, 19 persons were detained for participating in an unsanctioned, but peaceful, demonstration to commemorate Belarus's 1990 declaration of sovereignty from the Soviet Union. BSDP chairman Mikalay Statkevich was detained following the demonstration and given a 10-day prison sentence for organizing the demonstration. However, Yawhen Asinski was held until September 6 (see Section 1.c.).

On October 17, approximately 93 persons were arrested for participating in a large unsanctioned demonstration and protest march. In a series of assembly line-style court judgements, roughly 17 persons were sentenced to prison terms of up to 15 days, and 19 persons were fined. A number of opposition leaders associated with the demonstration, including Mikolai Statkevich and Lyudmila Gryaznova were arrested at their homes on the evening of October 17. A number of other opposition political figures went into hiding to escape wide-ranging roundups conducted by government security officers. Gryaznova subsequently was fined approximately $500 (300 million rubles) while Statkevich was released on October 31 following the intervention of the chairman of the OSCE parliamentary assembly committee on Belarus.

On October 19, 13th Supreme Soviet Deputy and United Civic Party deputy chairman Anatoliy Lebedko was arrested for his role in the October 17 demonstration. He was given a 10-day sentence even though he did not participate in the protest march that ended in clashes with security officials. Despite backing out from participating in the demonstration and protest march, opposition Youth Front member Yevtgeny Afnagel was given a 15-day sentence. While searching for his father, government security briefly detained the son of independent newspaper editor Pavel Zhuk for questioning.

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

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

Following demonstrations, government security officials have held some detainees incommunicado.

In addition to the hundreds of antigovernment protestors, whom authorities held for several hours or days, there were several prominent political detainees whom the Government held for prolonged periods in pretrial detention, some for over a year.

On March 30, opposition leader and former Prime Minister Mikhail Chigir was arrested on charges of alleged financial impropriety and exceeding his authority during his tenure as a head of a state bank several years previously. Chigir's arrest occurred just prior to a public ceremony to register his participation in an opposition-organized presidential election initiative aimed at drawing attention to the upcoming end of Lukashenko's legal 5-year term in office. It also followed several warnings from government security officials to Chigir that to cease his political activities. He remained in pretrial detention until November, although the procurator's office failed to present any substantive or specific evidence of his alleged crimes. Despite protests from the OSCE and a number of foreign governments Chagir remained in pretrial detention until November 30. Trial proceedings, which

government authorities indicated would be followed through, remained pending as of year's end.

In February 1998, police arrested Andrei Klimov, a successful entrepreneur and member of the Parliament that was dissolved in late 1996, on charges of embezzlement and other financial irregularities. Kilmov's supporters and some human rights observers believe that his arrest was politically motivated, because Klimov is an outspoken critic of President Lukashenko and had participated in a commission that examined violations of the law and the Constitution by the President. Klimov's period of pretrial detention was extended on several occasions. He was beaten severely by prison guards in December (see Section 1.c.). As of year's end, Klimov remained in detention while his trial, which began on July 22, continued.

Former director of the joint-stock agribusiness (Rassvet) Vasiliy Staravoitov and former Agriculture Minister Vasily Leonov were arrested in late 1997 for allegedly embezzling state credits. Authorities denied appeals for their release on their own recognizance due to age and poor health. The trial of the 75-year-old Staravoitov, which officially began in November 1998, was delayed repeatedly due to his weak physical condition aggravated by poor prison conditions. On May 30, Staravoitov was found guilty and sentenced to foreiture of property and 2 years (including time already served) in a labor camp. Staravoitov was released on November 11 after completion of his sentence. Domestic human rights groups believe that both Staravoitov and Leonov were arrested to draw attention away from a poor harvest on heavily subsidized state farms. The Government is dedicated to maintaining a Soviet model of agriculture and Rassvet's demonstrated independence in implementing reforms not sanctioned by the Government apparently posed a threat to such efforts. Immediately following Staravoitov's arrest, the Government renationalized his company. The trial of Leonov, which began in Minsk on August 17, was ongoing at year's end. While in detention, Leonov has suffered two heart attacks. Leonov also initiated a hunger strike to protest the initial refusal by prison authorities to provide him with medical supplies brought by his relatives.

Former National Bank chairwoman Tamara Vinnikova was arrested in January 1997 on allegations of malfeasance during her previous tenure as head of a state bank. The timing of her arrest, which coincided with her increasingly public challenges to President Lukashenko's economic policies, led observers to suspect a political motive. Due to her failing health, following 10 months in a KGB facility, Vinnikova was allowed to continue her period of pretrial detention under house arrest beginning in November 1997. While under house arrest, her visitors and incoming phone calls were monitored around-the-clock by guards from the Presidential Security Service. On April 8, Vinnikova disappeared. She was apparently able to escape from her guards and eventually make it to another country. Following her reappearance in mid-December, Vinnikova claimed in a radio news interview she went into hiding in order to escape a suspected conspiracy against her life (see Section 1.b.).

Statistics on the current number of persons in pretrial detention and the average length of pretrial detention were not available. As of August 1998, there were approximately 11,000 persons in pretrial detention.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however in practice the judiciary is not independent and largely is unable to act as a check on the executive branch and its agents. Reforms adopted to support the independence of the judiciary in 1995 were not implemented. Without major structural reforms, the independence of the judiciary cannot be realized. The November 1996 constitutional referendum further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining six are appointed by the Council of the Republic, which itself is composed of individuals appointed by the President or elected by individuals influenced by the President. The President also appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has authority under the Constitution to appoint and dismiss all district and military judges.

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

Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt.

Judges are dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing. In addition judges owe their positions to the President. Although the Procurator's Office categorically denies it, there are widespread and credible reports that "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) continues.

On February 24, Belarusian judge Yury Sushkov announced at a press conference in Germany that he had asked for political asylum from German authorities. Sushkov claimed that KGB officials forced him to sentence two Belarusian customs officers to several years in prison, despite a lack of conclusive evidence of their guilt. He stated that he could no longer, "make dishonest decisions and act against principles of juridical consciousness."

On August 5, while on an inspection tour in the Brest oblast in the western part of the country, Lukashenko told local reporters that he personally exercised control over "certain" ongoing judicial cases, including that of former Prime Minister and opposition leader Mikhail Chigir (see Section 1.d.). Lukashenko stated, "I have them under control, I am not going to allow any injustice there myself." On August 30, during a government interagency commission on crime covered by the official media, President Lukashenko reportedly stated, "It is natural for the Head of State to exercise control over one criminal case or another . . . especially in our country, where the Head of State controls all the branches of power—legislative, executive, and judicial."

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They are ultimately responsible to, and serve at the pleasure of, the Procurator General who, according to the Constitution, is appointed by the Council of the Republic.

In May 1997, Lukashenko issued presidential decree number 12, "Several Measures on Improving the Practice of Lawyers and Notaries," which, according to international legal experts and human rights monitors, seriously compromised the independence of lawyers from the Government. The decree, which ostensibly was issued in response to allegedly exorbitant attorneys' fees, subordinated all lawyers to the Ministry of Justice, which controls the licensing of lawyers, and placed the bar association under much greater Ministry of Justice control.

During 1997 and 1998, the Government used the decree to strip several lawyers of their licenses, including President Lukashenko's political opponents, such as former Supreme Soviet chairman Mecheslav Gryb, and prominent defense attorneys Garry Pogonyailo and Nadezhda Dudareva. Human rights activist and defense attorney Vera Stremkovskaya was threatened with disbarment following her public criticisms of the Government while on a visit abroad in 1998. She was charged with "slander" in April for comments she made in a court while defending a client. The charge was dropped later in the year (see Section 1.d.).

The Constitution provides for public trials, although exceptions can be made in cases established by law (for example, in cases of rape or on grounds of national security). Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf. However, these rights are not always respected in practice. Defendants' legal right to be represented by counsel also is not always respected in practice. While the 1996 Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence.

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

On July 22, according to the OSCE's AMG, the well-known lawyer, journalist, human rights activist, and 13th Supreme Soviet deputy Valeri Shchukin was detained illegally in a court building while attempting to attend the trial of Andrei Klimov (see Section 1.d.). The trial proceedings were open to the public. In front of OSCE observers and acting without any legal basis or written order, militia officers removed Shchukin from the building by force. Shchukin summarily was given a 15-day prison sentence for "petty hooliganism" by a judge who, by way of explanation to one of the OSCE officers, stated that the action was taken because Shchukin was "not normal." Shchukin subsequently was released after serving 7 days of the sentence.

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

On February 23, political prisoner and BNF youth front member Aleksei Shidlovskiy was released from prison 2 days prior to the conclusion of one year of an 18-month sentence for "malicious hooliganism with extreme cynicism" in a hard-regime labor camp. The charges stemmed from his alleged spray painting of antipresidential slogans in August 1997. Despite his youth (Shidlovskiy turned 19 while in detention) and the nonviolent nature of the charges, Shidlovskiy was denied release pending trial. During the trial, Shidlovskiy and Vadim Labkovicyh, another teenage defendant in the case, were held in a guarded cage as if they were dangerous criminals. A representative of Human Rights Watch who observed the trial in February 1998 referred to it as an "absurd parody of criminal justice and a grotesque show trial aimed at intimidating young people from expressing their opposition to the current regime." The sentence of Labkovich, who also was held for 6 months in pretrial detention, was suspended and no further action has been taken against him. The prolonged and harsh pretrial detention, the punitive use of what apparently was a relatively minor charge, and the disproportionate nature of the sentences handed down to Shidlovskiy and Labkovich were both excessive and reminiscent of Soviet-era practices (see Section 1.c.).

Vladimir Kudinov was convicted in 1997 and sentenced to 7 years in prison and full confiscation of property for allegedly bribing a police officer. He is considered by many opposition activists and human rights observers to be a victim of political persecution. Prior to his arrest, Kudinov was an active and vocal critic of President Lukashenko. Government authorities first began to harass Kudinov in 1995 during his campaign for a seat in the Supreme Soviet. In 1996 Kudinov signed an impeachment petition against Lukashenko. His conviction and lengthy sentence appear to fit a government pattern of using charges of alleged economic related crimes to silence and intimidate critics. As part of a general presidential amnesty, Kudinov's sentence was reduced by 1 year in January.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for protection against illegal interference in a citizen's personal life, including invasion of privacy, telephone, and other communications. However, the Government does not respect these rights in practice. Although the inviolability of the home also is provided for by the Constitution, which states that, "no one shall have the right to enter, without legal reason, the dwelling and other legal property of a citizen against such a citizen's will," in practice, government monitoring of residences, telephones, and computers continued unabated. The KGB is widely believed to enter homes without warrants, conduct unauthorized searches, and read mail. Political, human rights, and other NGO's believe that their conversations and correspondence are monitored routinely by the security services. Some opposition figures have reported a reluctance to visit some foreign embassies due to fear of reprisal.

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

On February 12, militia in Gomel, claiming a bomb threat in the building, conducted an illegal search of the local office of the Belarusian Helsinki Committee, a human rights NGO. No bomb was found, but the militia officers seized 14,000 leaflets concerning the recently declared opposition presidential election initiative.

On April 26, just short of a month after his arrest on charges of alleged financial impropriety, the office of former Prime Minister Mikhail Chigir was broken into. A computer containing data related to an opposition political campaign in which Chigir was participating was stolen, along with other equipment. Opposition activists allege that, in view of the almost certain continual government surveillance of the office, government security officials likely were behind the incident.

On May 11, government security officers in Minsk used the pretext of a bomb threat to search the offices of the Francisak Skaryna Belarusian Language Society (BLS). The involvement of the BLS in an ongoing opposition presidential election initiative suggests a political motive for the incident.

On May 14, Ministry of Interior officers searched the Minsk office of Irex/Promedia, an international organization involved in the implementation of projects to strengthen independent newspapers, without legal authorization. The local head of the organization, her daughter, and a staff member were questioned by these officers over a period of several hours. The OSCE later protested the incident with government authorities.

On September 11 and October 28, under the pretext of looking for the offices of an independent newspaper that tax inspectors were trying to shut down, police offi-

cers attempted to search the headquarters of the opposition United Civic Party in Minsk without a warrant.

The KGB, MVD, and certain border guard detachments have the right to request permission to install wiretaps, but under the law must obtain a prosecutor's permission before installation. The Presidential Guard (or security service) formed in 1995 reportedly conducted surveillance activities of the President's political opponents. There is no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly has thwarted attempts to exercise such oversight.

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

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

Presidential decree number 218, issued in March 1997, prohibits the import and export of printed, audio, and visual information that could "damage" the economic and political interests of the country (see Section 2.a.).

In October security forces searching for his father detained the young son of a newspaper editor (see Section 1.d.).

On November 23, President Lukashenko signed decree number 40, which allowed the Government to nationalize the property of any individual if the President determines that the individual has caused financial damage to the State.

Section 2. Respect for Civil Liberties, Including:

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

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

Presidential decree number 5, issued in 1997, prohibits a range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the State, as well as "emblems, symbols, and posters whose content is intended to harm the State and public order, rights, and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of state bodies."

On March 2, government authorities in the Lenin region of Grodno launched an investigation of the activities of cartoonist Alexsei Surov on suspicion of insulting the honor and dignity of high-ranking government officials. The investigation was opened on the basis of a small booklet of political cartoons about President Lukashenko by Surov. Surov's workplace at the Grodno puppet theater also was searched. A local prosecutor reportedly later decided to close the case.

On October 14, police officers in Minsk detained for 5 hours a 13 year old boy, Roman Shkor, who was handing out leaflets advertising an upcoming opposition demonstration. The leaflets were confiscated.

On November 7, police officers in the town of Borisov briefly detained Alesya Yasyuk, a member of the Belarusian Social Democratic Party (BDSP), after she dis-

played at a public event the traditional white-red-white national flag now associated with the opposition.

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

In 1997 the Council of Ministers issued a decree that prohibited and restricted the movement of goods across customs borders. The decree specifically prohibited the import and export of printed, audio, and video materials, or other news media containing information that could damage the economic and political interests of the country. Some bulletins affiliated with the opposition published outside of the country appeared to be targeted by the decree, and there were a number of incidents in 1997–98 in which customs officials confiscated opposition materials at the country's borders.

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

In December 1998, new regulations went into effect restricting the distribution of legal information to specially licensed media. The regulations required the independent media that publish legal acts to apply for licenses from a commission under the Ministry of Justice; several independent informational bulletins subsequently were denied licenses.

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

Independent newspapers are widely available in Minsk, but outside of the capital most towns carry only local newspapers, only some of which are independent. On February 17, the State Committee on the Press officially warned six independent newspapers (Naviny, Narodnaya Volya, Belorusskaya Delovaya Gazeta, Imya, Zhoda, and Pahonya) that they risked closure if they continued to publish information about an opposition presidential election initiative aimed at drawing attention to the approaching end of Lukashenko's 5-year legal presidential term. Mikhail Podgainy, the head of the State Committee on the Press, announced publicly that the newspapers would be shut if they ignored the warning. On May 13, the Supreme Economic Court dismissed appeals filed by the independent newspapers that there were no grounds on which the State Committee on the Press could issue such an official warning.

On May 26, the State Committee on the Press issued its second warning to Naviny after it published an article entitled "Carbuncules of Lawfulness" for which the newspaper was accused of "inciting social discord and defaming police officers." The Supreme Economic Court upheld the warning on August 26, following an appeal by Naviny. On June 24, the State Committee on the Press issued its second warning to Imya for an article the newspaper published relating to President Lukashenko. Under the December 1997 amendments to the Law on Press and Other Media, newspapers can be banned if two warnings are issued. The Committee to Protect Journalists and Article 19, another international NGO, both sent open letters to the Government expressing concern about the possible closure of independent newspapers.

In addition to warnings from the State Committee on the Press, the judiciary and security services also were used to exert pressure on the independent media. For example on July 26, Judge Nadezhda Chmara, the presiding judge in the trial of former state farm director Staravoitov (see Section 1.d.), won a libel suit against Belorusskaya Delovaya Gazeta. Chmara claimed that the newspaper in one of its articles on the case had accused her indirectly of professional misconduct. Belorusskya Delovaya Gazeta was ordered to print a retraction and to pay the judge an unprecedented fine of approximately $6,550 (or 2 billion rubles at the then official rate). The ruling is currently under appeal by the newspaper. The ruling was appealed by the newspaper.

On September 24, the newspaper Naviny lost a libel suit brought against it by National Security Council Chairman Viktor Sheiman for an article that had implied that Sheiman possessed property valued beyond what his official salary could provide. Sheiman apparently was ordered to file the lawsuit during a September 16 meeting with President Lukashenko. The newspaper and one of its reporters were ordered to pay a combined fine of approximately $30,000 (10 billion rubles at the then official rate). The unprecedented size of the fine forced Naviny, which published its last issue on September 29, into bankruptcy. Newsprint owned by the paper was confiscated by government authorities, and its bank account was frozen. On October 26, tax officials in Minsk inventoried the personal property of Naviny editor Pavel Zhuk. On November 8, a Minsk city court upheld the libel judgement, which had been appealed by Naviny.

On September 30, the Belarusian State Committee on the Press annulled the registration certificates of nine independent newspapers and periodicals, including a successor newspaper to Naviny, on the pretext that they had not submitted documentary approval of their office addresses. The registration certificates later were renewed on November 4.

On March 2, government security officials raided the offices of the independent newspaper Pahonya in Grodno and confiscated material related to the opposition's May 16 presidential election initiative. On April 7, KGB officers detained and questioned Naviny journalist Aleh Hruzdzilovich for several hours. Hruzdzilovich recently had written an article entitled, "A Secret Plan Against the Opposition," based on a reportedly confidential government document outlining methods to be used to crack down on the opposition.

On July 22, militia officers and government prosecutors searched the offices of Imya, confiscated computer equipment, and briefly detained for questioning chief editor Irina Khalip. A local prosecutor's office in Minsk recently had begun an investigation into a criminal case of libel against the newspaper for an article in which it detailed infighting and high level corruption within the Government. In a letter sent to the Minister of Justice, the Paris-based human rights NGO Reporters Sans Frontieres protested the judicial harassment of Khalip.

Also in July, OSCE Freedom of Media representative Freimunt Duve issued a public statement protesting reported threats by government security officers against Belorusskaya Delovaya Gazeta chief editor Piotr Martsev, whose paper also had published a series of articles detailing government corruption and infighting. On October 4, Duve sent a letter of complaint to the Foreign Minister concerning the Government's "continued attempts to stifle freedom of expression."

On November 4, two independent journalists were barred from attending a government conference on health care issues held at Brest regional executive committee offices. However, state media representatives were permitted to cover the event. A spokesperson for the Brest regional executive committee explained that, in addition to accreditation, journalists were required to have the permission of the executive committee chairman to observe its meetings.

Until government authorities shut it down during 1996, Radio 101.2 had been the sole Belarusian language independent station in the country. The Belarusian Patriotic Union of Youth, a government-subsidized presidential youth organization, was permitted to take control of Radio 101.2.

State-controlled Belarusian television and radio (B–TR) maintains its monopoly as the only nationwide television station. Its news programs regularly featured reporting heavily biased in favor of the Government and refused to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas, and were relatively unimpeded in reporting on local news. However, some of these stations reported that they were under pressure not to report on national-level issues or were subject to censorship.

Broadcasts into the country from Russian television stations represent the only significant source of independent information from broadcast media and constitute a frequent source of irritation to the Lukashenko Government. However, to transmit their video material to Moscow, Russian stations rely on the B–TR broadcasting facility. According to Russian television crews, authorities sometimes have tried to limit access to this facility, although there were no reports of this occurring during the year.

On May 21, the government newspaper Respublika criticized Belarusian language programs broadcast by a Polish radio station in Warsaw for negative reporting about President Lukashenko.

In March 1998, the presidential administration issued an internal directive entitled "On Strengthening Countermeasures Against Articles in the Opposition Press." The directive specifically lists 10 independent media organizations covered by these provisions, and prohibits government officials from making comments or distrib-

uting documents to non-state media. It also forbids state enterprises from advertising in non-state media. Although the directive does not restrict directly independent media or impinge on the right of citizens to receive information, it does restrict government officials in speaking to the independent media and gives further advantages to the state press.

On January 6, Anna Shidlovskaya, a correspondent for the independent news service Belapan and newspaper Belorusskaya Delovaya Gazeta, was prevented from attending an open session of the Gomel executive committee by the head of the committee's information department. The independent Belarusian Association of Journalists (BAJ) later protested the decision to order Shidlovskaya out of a conference hall 5 minutes before the executive committee was due to meet.

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for reaccreditation with the Ministry of Foreign Affairs; the application form for accreditation requested biographic information, as well as a record of the applicant's journalistic activity. Journalists who were residents of Belarus also were required to register with the state tax authorities. The impact of the decree is still unclear, although it does not appear that the Government specifically invoked the decree during 1998 or this year as a tool to exclude certain journalists.

On June 20, the poet Vladimir Neklyayev, who chaired the Belarusian Writers' Union, sought asylum in Poland. Neklyayev accused government authorities of disrespect for the Belarusian language, history, and culture and claimed that recent financial inspections of a magazine that he edited were motivated politically.

On August 11, the international NGO Reporters Sans Frontiers described Belarus as an enemy of the Internet. A public statement issued by the organization noted that citizens were not free to explore Internet independently. Although there are several Internet providers in the country they all are state controlled. The Government's state monopoly on Internet service offers high prices, poor quality, and limited service, and allows for the monitoring of practically all e-mail traffic. Although the Government has full control, it does not appear to be cutting off access entirely, and those who do have access appear to be able to contact a full range of unfiltered international web sites.

The Government restricts academic freedom. A sharply critical Human Rights Watch report released in Minsk on July 27 detailed government restrictions on academic freedom. The report noted that the Lukashenko Government had suppressed research on controversial topics, recentralized academic decision making, and maintained a ban on political activity on campuses. At the same time, a "systematic crackdown" on political dissent on campuses had targeted outspoken students and lecturers who were threatened with expulsion, often for their off-campus political activity. The report also asserted that state university authorities issue reprimands and warnings to politically active lecturers, independent historians, and other academics. It stated that university employees who challenge the status quo are told to curtail political activities or change the focus of their academic inquiry. University administrators target research into politically sensitive issues, such as the Belarusian independence movement during the Soviet era, a theme that is seen to challenge the State's policy of integration with Russian and is discouraged actively.

The Government continued to harass students engaged in antigovernment activities, such as demonstrations. Aleksey Shidlovskiy, who was released in February from a hard labor facility where he had been sentenced for spray painting antipresidential graffiti (see Section 1.e.), was expelled from his university while in pretrial detention. Members of the propresidential, government-funded Belarusian Patriotic Union of Youth served as the regime's watchdog against antigovernment activities. Moreover, members of the Union reportedly received preferential treatment at state schools.

On December 21, Ales Ostrovsky, a professor at the Grodno State Medical Institute, was detained for 2 days and reprimanded by local authorities for allegedly "violating public discipline" after he attempted to speak out against the Belarus-Russia Union Treaty during a meeting of the pro-Lukashenko Belarusian Patriotic Youth Union. He also reportedly was warned by the rector of his university not to violate "labor discipline."

In 1997 the Council of Ministers issued a decree, effective as of the 1997–98 academic year, requiring students who receive free university education from the state to accept jobs assigned by the Government upon graduation. It remains unclear to what extent this decree is actually enforced. On May 30, 15 members of the youth wing of the Belarusian social democratic party staged a demonstration in Minsk against the practice, including the reported assigning of students to jobs in areas contaminated by radiation by the Chernobyl disaster.

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

President Lukashenko issued decree number 5 in March 1997 in part to regulate what he termed the "orgy" of street protests taking place. The decree further limited citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to put strict limits on the number of participants. The decree also prohibited the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the acting legislature, imposed severe penalties on those who violate the law, particularly the organizers of events. Although the decree allows for either monetary fines or detention for up to 15 days, courts frequently impose high fines knowing that those convicted cannot pay. When individuals fail to pay fines, authorities threaten to confiscate their property. The courts punished organizers of rallies with fines of several times the average monthly wage.

In late January, an opposition coalition "congress of democratic forces" undertook to arrange for alternative presidential elections to be held from May 6 to May 16 in order to draw attention to the end of President Lukashenko's legal 5-year term in office (See section 3). In response, authorities initiated a widespread crackdown on opposition political activities throughout the country. Procurator General Oleg Bozhelko warned in a public statement on February 8 that participation in the opposition initiative could result in prosecution for attempting to "seize power unconstitutionally and destabilizing society."

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

On April 2, 13th Supreme Soviet deputies Anatoliy Lebedko and Valery Shchukin were detained for leading an unsanctioned demonstration to protest comments by some government officials hinting at a possible redeployment of nuclear weapons into the country. Local authorities had notified the demonstration organizers at the last moment that their march could not be held. Lebedko was held in administrative detention for 3 days and fined approximately $150 (44 million rubles). Shchukin was given a 5-day sentence. Approximately 18 other persons also were detained after the march, including one who required hospitalization after a beating inflicted by security officers (see Section 1.c.).

On April 16, a local court fined Valeri Kostko and Dimitri Bondarenko, members of the local human rights NGO's Belarusian Helsinki Committee and Charter '97, the equivalent of about $150 (44 million rubles) and $160 (47 million rubles), respectively, for leading a demonstration in Minsk on February 27. Although the demonstrators had received approval to march on a public sidewalk, they were fined after being forced to use a lane in the street because the sidewalk was blocked by snow.

On April 21, a court in Grodno fined Association of Belarusian Poles chairman Tadeusz Gavin approximately $230 (67 million rubles) for leading an unsanctioned demonstration on April 17. Local authorities twice earlier had denied the Association of Belarusian Poles permission to hold a demonstration.

On April 25, special forces militia troops in Grodno used force to break up an unsanctioned, but peaceful, opposition demonstration (see Section 1.c.).

On April 27, a court in Grodno sentenced local United Civic Party and Entrepreneurs' Association chairman Valery Levonevsky to 13 days in prison for allegedly staging an unsanctioned demonstration near the offices of the local executive committee. Levonevsky, who pleaded not guilty to the charges, claimed that he had had an appointment within the building in question and that the arrest probably was made only as a precautionary measure because of a scheduled upcoming session in Grodno of the parliamentary assembly of the Belarusian-Russian Union.

On May 1, 19 persons, including the chairman of the Belarusian Social Democratic Party, were detained in Minsk for attempting to participate in an officially sanctioned Labor Day celebration. Charges later were dropped against the participants (see Section 1.d.).

In June 1998, following numerous complaints filed by citizens and 2 days of public hearings, the Minsk city council passed a resolution that called for the Ministry of

Interior to consider ways of preserving public order during demonstrations that did not violate civil rights and to increase the personal accountability of its officers. However, the effect of this resolution, if any, appears principally to have been that security forces usually try to detain individuals after demonstrations already have concluded and to do so out of sight of witnesses.

On June 15, Minsk city officials denied permission to the Belarusian Social Democratic Party and Belarusian Popular Front to hold a demonstration against war, dictatorship, and fascism, citing the deaths of 52 people in a stampede in a metro station 3 weeks earlier to justify their decision.

Over 70 persons were detained briefly following demonstrations in Minsk and other cities on July 21 and July 27. Government security officials beat some of the detainees (see Section 1.c.). BSDP chairman Mikalay Statkevich was detained and sentenced to 10 days in prison for leading the sanctioned July 27 protest on an unauthorized march route. Government authorities also subsequently opened an investigation against Statkevich for "disrupting public order," a charge that could carry up to 3 years in prison.

Four participants (Grodno medical institute lecturer Ales Ostrovsky, BNF local leader Sergei Malchik, Pahonya editor Nikolai Markevich, and businessman Nikolai Voron) in an antigovernment demonstration in Grodno on July 21 were given fines of between about $100 (30 million rubles) and about $400 (120 million rubles), exceptionaly high in a country where the average monthly wage was then $40 (12 million rubles). Since they could not pay immediately, local authorities reportedly indicated that they would begin to confiscate their property. According to Ostrovsky, local authorities also told him that 20 percent of his monthly salary would be deducted until his fine was paid.

On December 8, following a small unsanctioned protest in Minsk against the signing of a union treaty between Belarus and Russia, at least six demonstrators, including Belarusian Popular Front deputy chairman Vyuacheslav Sivchik and noted poet Slavomir Adamovich, were briefly detained. Dmitry Kasperovich, a 17-year-old member of the Popular Front's youth wing lost a tooth while being taken into custody. On December 15, Sivchik was fined about $300 (218 million rubles). Others were given lesser fines or official warnings.

In connection with a new presidential decree entitled "On Measures to Prevent Emergencies During Mass Events" promulgated in early September, President Lukashenko told high level security officers in a September 16 meeting that opposition demonstrations in Minsk should be allowed only at locations outside of the city's center. It subsequently became more difficult to obtain permission to hold public protests. Opposition party organizers were denied permission to hold a March for Freedom demonstration, which had been planned for the downtown area on October 17. When protesters decided nevertheless to march toward the center of Minsk, special forces of the Ministry of Internal Affairs blocked their way and forcibly dispersed the crowd (see Section 1.d.). The acting head of the OSCE office in Minsk noted publicly on October 18 that the refusal by Minsk city authorities to allow the March was "at the base of the conflict."

On October 22, Minsk city authorities also banned the annual Dzyzdy commemorative march held in Minsk. However, as the march route led away from the center of Minsk, government security officials did not prevent opposition supporters from going through with the march.

The Constitution provides for freedom of association; however, the Government does not respect this right in practice. According to members of parties in opposition to the President, authorities frequently deny permission to opposition groups to meet in public buildings. Employees at state-run enterprises are discouraged from joining independent trade unions, and the Ministry of Justice long denied registration to the Congress of Independent Trade Unions (see Section 6.a.). The Government regularly harasses members and supporters of opposition parties, and confiscates their leaflets and publications. Government officials have warned alumni of foreign-sponsored education programs against continued affiliation with their program's sponsoring agency.

On January 26, just before a coalition of opposition parties held a large "congress of democratic forces," President Lukashenko issued decree number 2 requiring that all political parties, trade unions, and nongovernmental organizations reregister with authorities by July 1. Such public associations already had completed a lengthy reregistration process in 1995. The timing of the decree, which increased the scope of operations and number of members organizations would need to demonstrate to qualify for reregistration, apparently was intended as a method of political intimidation at a time of increased opposition activity. On July 1, regulations prohibiting private organizations from using private residences as their legal addresses were an-

nounced. In view of Government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process.

The deadline for reregistration subsequently was extended until August 1 and again to October 1. Although most of the major political parties, unions, and NGO's that applied eventually were allowed to reregister, the process in practice often was complicated and drawn out. After the reregistration period had begun, government authorities announced that organizations would have to alter their charters to indicate recognition of the 1996 Constitution, and that the words "popular" or "national" could not be used in their titles. On December 17, an amendment to the law on public associations officially went into effect that prohibits political and social organizations from using the words "Belarus," "Republic of Belarus," "National," or "Popular" in their titles. The Belarusian Association of Poles was denied reregistration twice before finally getting approval. The All-Belarusian Club of Voters was given permission to reregister in mid-November only after suing government authorities in court. As of year's end, the Association of Young Politicians, headed by well-known opposition leader Anatoliy Lebedko, the Belarusian Human Rights League, and the Belarusian Independent Association of Industrial Trade Unions had not been allowed to reregister. On December 17, President Lukashenko signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of unregistered NGO's punishable by fines. On December 27, the amendments entered into force. By the end of the year, the Ministry of Justice had reregistered 17 of 27 political parties (18 had applied), and 38 of 42 national trade unions. Of approximately 2,500 NGO's, approximately 1,316 were reregistered.

In April the Ministry of Justice blocked efforts by the Belarus Lambda League, the country's first and only lesbian and gay rights organization, to gain official registration as an NGO. The Ministry cited technical reasons, although Belarus Lambda League members claimed authorities were seeking to deny registration to a gay and lesbian organization and initiated an appeal to the Supreme Court.

Members of local human rights NGO's also were harassed for involvement in or association with the opposition presidential election initiative. Gomel branch Belarusian Helsinki Committee (BHC) head Yevgeny Murashko was detained briefly in February following his participation in a human rights seminar with opposition Central Election Commission chairman Viktor Gonchar. In late June, Murashko also was given a 2-year suspended sentence "for violating procedures of holding an assembly."

On February 16, local KGB officials in Vitebsk issued an official warning to opposition Central Election Commission Deputy Chairman Iosif Naumchik that his political activities could result in charges of conspiracy to seize state power under article 61–1 of the criminal code, punishable by 8 to 12 years in prison. Similar warnings were issued to opposition Central Election Commission members Lidiya Sazonovets and Sergei Obodovsky in February.

On February 25, government security officials raided a meeting of the opposition Central Election Commission in Minsk and arrested its 15 members. Commission chairman Viktor Gonchar subsequently was sentenced to 10 days in prison for organizing an "unsanctioned rally" (see Section 1.d.). He remained under investigation on charges of illegally claiming a public office until he disappeared in September (See section 1.b.) Other commission members were sentenced to 5 days in prison, fined between about $40 (10 million rubles) and about $60 (15 million rubles), or given official warnings.

On March 12, the Ministry of Justice issued a public statement calling on citizens "not to give in to provocations on the part of irresponsible politicians." Further official warnings from the KGB later were given to a number of opposition activists including Central Election Commission member Nikolai Pokhabov and BNF member Tatyana Leschinskaya.

A number of opposition election initiative workers complained that either they or their family members were threatened by intimations that they could be fired from their jobs because of their political activities. Government security officials frequently confiscated ballot forms to be used in the opposition election initiative.

On June 23 the 13th Supreme Soviet sought to hold a meeting in a Minsk Restaurant, but the members were driven out by a special-purpose police detachment that claimed that a bomb had been planted in the restaurant. The chairman, Seymon Sharetsky, told a reporter that the bomb story had been planned much earlier. The session continued on the street near the restaurant and adopted an appeal to Lukashenko for political dialog.

On July 22, following a meeting the previous day of the 13th Supreme Soviet (Supsov) in Minsk held to mark the end of Lukashenko's legal 5-year term in office, Supsov chairman Semyon Sharetsky sought temporary refuge in Lithuania due to

his fear that he might be arrested. As of year's end, Sharetsky remained in Lithuania.

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government restricts this right in practice. The Government enforces a 1995 Cabinet of Ministers decree that controls religious workers, in an attempt to protect orthodoxy and prevent the growth of evangelical religions. Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the Government views as "nontraditional" religions, which include Protestant faiths. A 1997 directive by the Council of Ministers prohibits teaching religion at youth camps. Further restrictive regulations governing the activities of foreign religious workers and clergy were passed by the Council of Ministers in February, although it remains unclear at year's end to what extent they were being enforced.

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

While all registered religious organizations enjoy tax-exempt status, any government subsidies appear limited principally to the Orthodox Church. Citizens are not prohibited from proselytizing, but foreign missionaries may not engage in religious activities outside the institutions that invited them. Only religious organizations already registered in the country may invite foreign clergy. Foreign religious workers who do not register with the authorities, or who fail to get approval for religious activities—often a difficult bureaucratic process—have been expelled from the country.

The Government and the President encourage a greater role for the Orthodox Church. However, the effort has not slowed the growth of Roman Catholic and Protestant churches. Nevertheless, the Catholic Church has experienced difficulty getting permission from authorities to bring in a sufficient number of outside religious workers to make up for a shortage of native clergy. According to an independent Russian press report, President Lukashenko told Russian Orthodox Church Patriarch Aleksey II, during a visit by the Patriarch to Minsk in September 1998, that Christian values should become "the state ideology of Belarus."

During a press conference held in Minsk in late 1998, Vyacheslav Savitskiy, an official of the State Committee on Religious and Ethnic Affairs, emphasized the existence of "destructive sects" in the country. According to Savitskiy, the Government had denied registration requests of 11 such ″sects.″ For example, the authorities consistently have denied the repeated registration attempts of the Belarus Orthodox Autocephalous Church. On November 7, Belarusian Autocephalous Orthodox Church priest Yan Spasyuk announced a hunger strike to protest the continued unwillingness of local authorities in Grodno to register his parish, as well as a recent police raid on his house while he was conducting a prayer service. On November 28, at the urging of his family and parishioners, Spasyuk called off the hunger strike.

During a religious conference held in Minsk on April 22, Belarusian Orthodox Church Patriarchal Exarch Filaret stated that the Orthodox Church does not seek the role of interconfessional leader or to become a state-run church. However, he stressed, the Orthodox Church would cooperate only with religious faiths that have "historical roots" in the country. Filaret also remarked that he was against the "invasion of those foreign religions that corrupt souls."

The President granted the Orthodox Church special financial advantages, which other denominations do not enjoy, and has declared the preservation and development of Orthodox Christianity a "moral necessity." Bishops must receive permission from the State Committee on Religious Affairs before transferring a foreign priest to another parish.

According to the Anti-Defamation League and the World Jewish Congress, in March 1998 material from The Protocols of the Elders of Zion was included in a government-controlled religious broadcast. In spite of protests from the Jewish community, the program was rebroadcast in May and again in July. In a television interview given in Moscow in December 1998, President Lukashenko remarked that "the main anti-Semites in Russia are representatives of the Jewish population" (see Sec-

tion 5.). However, government authorities in general appear to try to maintain good relations with leaders of the Jewish community. Following an arson attack on April 11, 1999 at the main synagogue in Minsk (see Section 5), police reportedly responded quickly. On April 16, the SCRNA agreed to a four-point plan with the head of the Union of Jewish Religious Organizations of Belarus to combat anti-Semitism. It remains unclear to what extent SCRNA may implement this plan.

Restitution of religious property remained limited during the year. A key obstacle is the lack of a legal basis for restitution of property that was seized during the Soviet era and the Nazi occupation. The few returns of property to religious communities have been on an individual and inconsistent basis, and local government authorities in general are reluctant to cooperate on the issue without some form of compensation to replace properties that sometimes have become important public facilities. Over the past several years, the Jewish community has lobbied the Government successfully to return three synagogues in Minsk and several buildings outside the capital. In August 1998, following extensive restoration, the Catholic community reconsecrated a church in Pruzhany that had been shut down by Soviet authorities following World War II. The consecration ceremony was lead by the church's former priest who had spent 10 years in Siberia during the Soviet period.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—According to the Constitution, citizens are free to travel within the country and to live and work where they wish; however, the Government restricts these rights in practice. All adults are issued internal passports, which serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

On June 1, the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a "propiska" (pass), or the compulsory registration of their residence address. Under Article 182 of the Administrative Code, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, it remains unclear to what extent this court decision actually has affected local security officials. In practice the right to choose one's residence appears to remain restricted. On November 29, the Ministry of Internal Affairs announced a three-stage program to replace the "propiska" system in the period 2000–05; however, there were no reports of any action to implement the program at year's end.

Government regulations on entry and exit require citizens who wish to travel abroad to receive first a "global" exit visa in their passport, valid for between 1 and 5 years. Once the traveler has these documents, the law does not restrict travel.

Following the dissolution of the Supreme Soviet in 1996, the Government took measures aimed at limiting the travel of opposition politicians who refused to submit to the legislature created by the November 1996 referendum. The Ministry of Foreign Affairs announced in December 1996 that those Parliamentarians who did not join the new legislature could no longer travel on their diplomatic passports, despite the fact that these individuals had been assured that they would retain their status as deputies until their terms of office expired. Although their diplomatic passports were not confiscated, the border guards reportedly had a blacklist of opposition members who were to be denied exit from the country if they used a diplomatic passport. Subsequent to the January 1997 refusal by border guards to allow former Supreme Soviet Chairman Stanislav Shushkevich and parliamentary deputy Anatoliy Lebedko to travel abroad on their diplomatic passports, a number of members of the former Supreme Soviet have either acquired regular passports and have been allowed to travel abroad, or have departed from Russia using their Belarusian diplomatic passports.

Government authorities canceled the "global" exit visas in the regular passports of 13th Supreme Soviet deputies Pavel Znavets and Viktor Gonchar in July and August respectively, based on ongoing investigations related to their political activities (see Sections 1.d. and 2.b.). Citing pending charges against him related to his participation in antigovernment demonstrations in Minsk in July and October (see Section 1.d.), and despite an invitation from the OSCE, government authorities denied permission to Belarusian Social Democratic Party leader Mikalay Statkevich to travel with an opposition delegation to the OSCE summit held in Istanbul in November.

According to official data, the State did not deny any citizen permission to emigrate. However, legislation restricting emigration by those with access to "state secrets" remained in effect, and any citizen involved in a criminal investigation also was ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The Constitution gives aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The Constitution also allows the State to grant refugee status to persons who were being persecuted in other states for their political and religious convictions, or because of nationality. The Government does not have a law on first asylum, nor has it signed readmission agreements with any of its neighboring states.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In May 1997, the Government implemented for the first time the 1995 Law on Refugees, granting refugee status to a group of Afghans. As of October, the Government had granted official refugee status to 248 persons (including 185 from Afghanistan, 31 from Georgia, 18 from Ethiopia, and 11 from Tajikistan) many of whom have lived in the country prior to the collapse of the Soviet Union. Since its formation in early 1997 from the State Migration Service, the Committee on Migration within the Ministry of Labor has turned down 17 applications for refugee status.

On July 17, the chairman of the Migration Committee announced that there were between 100,000 and 150,000 illegal migrants in the country. As of early in the year, 2,700 potential asylum seekers had registered with the UNHCR in Belarus. Some refugees continue to report difficulty registering with local authorities, and continued delay in establishing a comprehensive asylum policy and refugee policy has made the lives of these individuals difficult. The UNHCR had no reports of any case of bona fide refugees being forced to return countries in which they feared persecution.

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

The Government severely limits the right of citizens to change their government. In November 1996, the executive branch conducted a controversial constitutional referendum that was neither free nor fair, according to credible international observers, including representatives of the European Union and the OSCE. Many Members of Parliament and of the Constitutional Court actively opposed President Lukashenko's proposals for both substantive and procedural reasons. The justices asserted that the referendum gave Lukashenko control over the legislative and judicial branches of government and extended his term in office. They also criticized it on procedural grounds as an unconstitutional means to eliminate the Constitution's checks and balances and grant the President virtually unlimited powers.

In the period leading up to the referendum, opponents of President Lukashenko's proposals were denied access to the media, election officials failed to record the names of early voters, and no texts of the proposed Constitution were made available to voters until several days after citizens began voting. As a result of these irregularities, the head of the Central Election Commission (CEC) announced prior to the event that he would not be able to certify the results of the referendum. President Lukashenko promptly fired him, although the Constitution in force at the time gave the Parliament the exclusive authority to appoint and dismiss the CEC Chairman. Members of the security forces forcibly removed the head of the CEC from his office. Shortly thereafter, Prime Minister Mikhail Chigir resigned in protest of President Lukashenko's refusal to cancel the widely criticized referendum.

Most members of the international community chose not to send election monitors to observe the referendum because of the illegitimacy of the entire process. Human rights organizations, including the Lawyers Committee for Human Rights, the Committee to Protect Journalists, and Human Rights Watch, protested the conduct of the referendum.

The Constitutional Court formally ruled that the issues posed in President Lukashenko's referendum could not be decided legally through a referendum, and that its results should be purely advisory, consistent with the Constitution. However, after winning the referendum—according to the Government's own official count—President Lukashenko began to implement it immediately. The new Constitution established a bicameral legislature. Its 110-member lower house was formed out of the membership of the existing Supreme Soviet; deputies volunteered or were lured by promises of free housing and other benefits to serve in the body. The 64-member upper house was created by a combination of presidential appointments and elections by the 6 regional or oblast councils and the Minsk City Council. The transition left 86 electoral districts unrepresented because the new Constitution reduced the number of representatives, and also because a full Supreme Soviet had never been seated, largely due to the executive branch's intervention in the 1995 elections.

Despite consultative assistance provided by the OSCE's AMG, President Lukashenko's National Assembly passed in December 1998 seriously flawed legisla-

tion on local elections, which were held on April 4 and 18. A late modification to Article 33 of the law, inserted at the insistence of the President, effectively bars many opposition candidates from running in local elections by prohibiting the participation of individuals who have been fined administratively by government authorities. The OSCE issued an official statement that the provisions of the law did not provide for a free and fair election process. Consequently, the OSCE did not organize an election observation program.

On August 31, amendments to the referendum law came into force, which the OSCE declared were not in accordance with international standards. The amended law provides that referendums may be initiated by the President, the President's National Assembly, or 450,000 signatures—including a minimum of 30,000 in the city of Minsk and in each of the country's 6 oblasts. The law makes 10 percent of all signatures subject to verification, and all signatures may be invalidated if the commission finds just 1 percent (4500 signatures) to be faulty. It also gave the President the prerogative to decide on the validity of referendum results.

In late January, an opposition coalition "congress of democratic forces" undertook to arrange for alternative presidential elections to be held from May 6 to May 16 in order to draw attention to the end of President Lukashenko's legal 5-year term in office in July. In response, authorities initiated a widespread crackdown on opposition political activities throughout the country. Procurator General Oleg Bozhelko warned in a public statement on February 8 that participation in the opposition initiative could result in prosecution for attempting to "seize power unconstitutionally and destabilizing society."

A number of opposition election initiative workers complained that either they or their family members were threatened by intimations that they could be fired from their jobs because of their political activities. Government security officials frequently confiscated ballot forms to be used in the opposition election initiative (see Section 2.a.).

There are no legal restrictions on women's participation in politics and government; however, with the exception of the judiciary, social barriers to women in politics are strong, and men hold virtually all leadership positions. In the acting legislature, women hold 19 of 110 seats in the lower house and 5 of 64 in the upper house. The Deputy Chair of the upper house is a woman. The Minister of Social Security is the only female member of the Council of Ministers. The head of the Government's Central Election Commission also is a woman.

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

There are several domestic human rights groups active in the country; however, members of domestic human rights organizations reported that the Government hindered their attempts to investigate alleged human rights violations. The Government monitored NGO correspondence and telephone conversations. The Government also attempted to limit severely the activities of NGO's through a time consuming reregistration process, denial of registration, questionable tax audits, and other means (see Section 2.b.). The Ministry of Justice tried to restrict the Belarusian Helsinki Committee to providing support only to members of its own association and warned initially that it might otherwise not be allowed to reregister. Human rights monitors of the BHC also briefly were detained and interrogated by government security services during the year (see Section 2.b.).

The Ministry of Justice issued official warnings to the BHC during March after materials related to an ongoing opposition presidential election initiative were found in one of its regional offices. However, following an appeal by BHC, the Supreme Economic Court annulled one of the warnings on December 8. On November 25, the administrative department of the Presidential Administration, which controls either directly or indirectly a significant amount of commercial real estate in Minsk, informed the BHC that it would have to vacate its offices. However, at year's end, it appeared that the BHC would be allowed to remain at its current premises.

On October 4, uniformed and plainclothes security officers, including a Deputy Minister of Internal Affairs, broke into the Minsk office of the human rights NGO Spring '96. The officers did not present a warrant while conducting a comprehensive search of the premises. Computer equipment, which included a comprehensive database of human rights violations, was confiscated. Although the equipment later was returned, when Spring '96 chairman Ales Bialatsky was summoned to a police station to pick it up on November 18 he was arrested for his participation in an antigovernment demonstration in Minsk in mid-October. A judge later dismissed the charges against Bialatsky.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the Government has been will-

ing to discuss human rights with international NGO's whose members have been allowed to visit the country. At a press conference held in Minsk on July 15, the chairman of Human Rights Watch criticized the Government for its "regular attacks on democracy."

In February 1998, after protracted negotiations, the Government finally approved the opening in Minsk of the OSCE's Advisory and Monitoring Group office. Although government authorities often have disregarded OSCE intervention on human rights cases and its advice on draft legislation, the OSCE's presence in Minsk provides a potentially important forum for dialog on these issues. In September 1999, through OSCE-brokered meetings initiated by OSCE Parliamentary Assembly's Belarus ad hoc committee chairman Adrian Severin, government and opposition representatives began a dialog to try resolve the country's ongoing constitutional and political crisis. However, at year's end, the government's cooperation in this process had come to a standstill.

On August 20, a draft resolution critical of the country's human rights practices was removed from a vote at the U.N. subcommission on Human Rights Encouragement and Protection after the Government agreed to a number of measures on the adoption of human rights-related reforms. The Government took no action on implementing these reforms by year's end.

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

The Constitution states that all citizens are equal before the law and have the right, without any discrimination, to equal protection of their rights and legitimate interests. However, the Constitution does not prohibit specifically discrimination based on factors such as race, sex, or religion. The Law on Citizenship, passed by the Parliament, grants citizenship to any person living permanently on the territory of the country as of October 19, 1991. Those who arrived in the country after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years.

Women.—Although statistics are not available, domestic violence including spousal abuse against women is a significant problem, according to women's groups. There are laws that prohibit spousal abuse. Knowledgeable sources indicate that police generally are not hesitant to enforce the laws against domestic violence, and that the courts are not reluctant to impose sentences. The main problem, according to women's groups, is a general reluctance among women to report incidents of domestic violence. Violence against women was not the subject of extensive media coverage, marches, or demonstrations during the year.

Although government authorities and local human rights observers report that prostitution does not yet appear to be a significant problem within the country, there is much anecdotal evidence that it may be growing. Local street prostitution appears to be growing as the economy deteriorates, and prostitution rings operate in state-owned hotels. Young women seeking to work or travel abroad also are vulnerable to sexual exploitation. The Ministry of Internal Affairs claims that very few women are deported back to Belarus for engaging in prostitution. However, it acknowledges that Russian criminal organizations may try actively to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East. There is evidence of trafficking in women (see Section 6.f.).

Sexual harassment is reportedly widespread, but there are not any specific laws to deal with the problem other than laws against physical assault.

The law requires equal wages for equal work; however, such is not always the case in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job opportunities. The state press reported in September that approximately 64 percent of those considered by the Government to be long-term unemployed are single mothers.

The level of education of women is higher than that of men. Women make up approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. In these sectors, between two-thirds and three-fourths of employees (mostly women) live beneath the official poverty level. Women legally are equal to men with regard to property ownership and inheritance. There are active women's groups, most of which focus on issues such as child welfare, environmental concerns (in the aftermath of Chernobyl), and the preservation of the family. A private university in Minsk established the country's first gender studies faculty during 1997.

Children.—The Government is committed to children's welfare and health, particularly as related to consequences of the nuclear accident at Chernobyl, and, with

the help of foreign donors, tries to give them special attention. By law everyone is entitled to health care, including children. There does not appear to be any difference in the treatment of girls and boys. Children begin school at the age of 6 and are required to complete 9 years, although the Government makes 11 years of education available at no cost and began in 1998 to develop a 12-year education program. Higher education also is available at no cost on a competitive basis. Families with children receive token government benefits. According to one World Bank study, the majority of those living in poverty are families with multiple children or single mothers.

The Government continued to discourage the promotion of, or the teaching of students in, the Belarusian language by limiting the available of early childhood education in Belarusian. According to one study by the Francisak Skaryna Belarusian language society, the share of first graders studying in Belarusian-language classes shrank from 75.3 percent in 1993-94, prior to the Lukashenko presidency, to 28.7 percent in 1997-98. In the capital city of Minsk, the share reportedly decreased from 58.6 to 4.8 percent. Only 11.2 percent of secondary students in Minsk currently are taught in Belarusian. Government authorities claim that the only schools that have been closed which taught in the Belarusian language are those that experienced diminishing enrollment.

There does not appear to be a societal pattern of abuse of children.

People with Disabilities.—A 1992 law mandated accessibility to transport, residences, businesses, and offices for the disabled; however, facilities, including transport and office buildings, often are not accessible to the disabled. The country's continued difficult financial condition makes it especially difficult for local governments to budget sufficient funds to implement the 1992 law. The central Government continues to provide some minimal subsidies to the disabled. However, continued high inflation and sharp decline in the value of the Belarusian ruble greatly reduced the real worth of those limited subsidies.

Religious Minorities.—Societal anti-Semitism exists but usually is not manifested openly. Senior government officials, including the President and the state media, sometimes have used coded anti-Semitic language in their attacks on perceived opponents. In a television interview given in Moscow in December 1998, in which he sought to criticize Russian financier and Executive Secretary of the Commonwealth of Independent States Boris Berezovskiy, President Lukashenko stated that Berezovskiy's activities, "might result in Jewish pogroms in Russia." Lukashenko also remarked that "the main anti-Semites in Russia are representatives of the Jewish population."

In April there was an arson attempt on a synagogue in Minsk, during which the door to the structure sustained minor damage, and the graffiti, "Kill Yids, save Russia," was spraypainted on a wall. However, police reportedly responded quickly. In reaction to the incident, the State Committee on Religious and National Affairs agreed with the head of the Union of Jewish Religious Organizations to a four-point plan to combat anti-Semitism. It remained unclear at year's end to what extent the Government would implement this plan.

According to the Anti-Defamation League and the World Jewish Congress, in March 1998 government-controlled radio broadcast material from the Protocols of the Elders of Zion on a religious program. In spite of protests from the Jewish community, the program was rebroadcast in May and again in July. Following a written complaint from the Belarusian Helsinki Committee, the chairman of the State Committee on the Press noted publicly on May 4 that local newspapers that publish anti-Semitic material would be given official warnings. In June an official warning was given to Lichnost, one such local newspaper. Under the December 1997 amendments to the Law on Press and Other Media, newspapers can be banned if two warnings are issued (see Section 2.a.). According to the Anti-Defamation League and World Jewish Congress, a number of newspapers regularly print anti-Semitic material.

On October 15, the Belarusian Judaic Religious Association (JRA) spoke out publicly against an anti-Semitic article that appeared in the newspaper Slavyanski Nabat, written by National Assembly deputies Valery Drako and Sergei Kostyan. Drako and Kostyan asserted in their article that many Jews held high rank in the Nazi Wehrmacht and equated Zionism with fascism.

A number of Jewish cemeteries and sites have been desecrated in recent years. In February a cemetery was desecrated in Rechitsa, which had also been vandalized in 1997. Cemeteries were desecrated in Borisov and Orsha in April 1998, and in Gomel and Berezino in July 1998. In August 1998, a memorial to Holocaust victims in Brest was desecrated. A 15-year-old skinhead was caught in connection with the Brest desecration. Local officials reportedly have failed to come up with any leads in the other cases. In September the head of a local Jewish organization in Brest

issued a statement complaining about continued incidents of anti-Semitic graffiti appearing in the city, and what he claimed to be the apparent indifference of local authorities. As of year's end, there were no reports of action by the authorities.

Many members of the Jewish community remain concerned that the Lukashenko Government's plans to promote greater unity with Russia may be accompanied by political appeals to groups in Russia that tolerate or promote anti-Semitism. Lukashenko's calls for "Slavic solidarity" are well received and supported by anti-Semitic, neo-Fascist organizations in Russia. For example, the organization Russian National Unity has an active branch in Belarus, and its literature is distributed in public places in Minsk. On February 5, members of this organization severely beat Charter '97 human rights activist Andrei Sannikov when he objected to their distribution of leaflets on a public square in downtown Minsk. A criminal case against Sannikov's assailants was later suspended on the grounds of lack of evidence.

The country's small Muslim community, with roots in the country dating to the Middle Ages, does not report significant societal prejudice. However, on August 9, the Slonim mosque—the first mosque to open in the country during the last 60 years—was vandalized just prior to the holding of a Tatar youth convention in the city.

Section 6. Worker rights

a. *The Right of Association.*—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights, including the right to strike; however, these rights are not respected in practice. The independent trade union movement is still in its infancy. The Belarusian Free Trade Union (BFTU) was established in 1991 and registered in 1992. Following the 1995 Minsk metro workers strike, the President issued a decree suspending its activities. In 1996 the BFTU leaders formed a new umbrella organization, the Congress of Democratic Trade Unions (BCDTU), which encompasses four leading independent unions and is reported to have approximately 15,000 members.

On December 9, a branch of the independent Free Union of Metal Workers (FUMW) was evicted from its offices at the Minsk Automobile Factory. On December 16, six independent union representatives, including FUMW activist Dimitry Plis, were arrested at the Minsk Automobile Factory for picketing its entrance. Some later were found guilty of holding an unsanctioned rally and fined.

The Government has taken measures to suppress independent trade unions. For example, members of independent trade unions have been arrested for distributing union literature, had material confiscated at the borders, have been denied access to work sites, have been subjected to excessive fines, and have been pressured by their managers and state security services to resign from their jobs because of trade union activities. Despite the repeal by the Government of its illegal ban on the BFTU, as well as the Ministry of Justices' reregistration of the BFTU and BCDTU (following a Presidential decree issued in January requiring that all public organizations, including unions, reregister), government authorities have continued to threaten and harass independent union members.

For example, according to the BFTU, Georgy Mukhin was fired by the Minsk Tractor Works in early March as a result of his activism on behalf of the FTUMW. Sergei Antonchik, a union organizer affiliated with the BFTU who heads the National Strike Committee, was detained briefly on March 6 for organizing an unsanctioned demonstration in the city of Orsha. He subsequently was fined by a local court. Antonchik's Minsk office also was raided by government security officials who confiscated antigovernment bulletins.

In October the Ministry of Justice turned down the application of the Belarusian Independent Association of Industrial Trade Unions (BIAITU), which represents approximately 340,000 workers and is composed of 3 large official unions that have been critical of the Government's economic policies, to reregister as a legal organization. The decision apparently was based on a finding that the BIAITU's charter was inconsistent with its status as an umbrella organization of different unions. In early November, Minsk city authorities refused a request submitted by BIAITU leaders for permission to hold a public demonstration to protest the Ministry of Justice's decision.

The Government continues to discourage employees at state-run enterprises from joining independent trade unions. Lukashenko signed a new restrictive Presidential decree (number 29) to "tighten labor discipline" July 26. The decree, which has as one of its aims the placement of all workers on individual rather than collective contracts, was criticized heavily by both independent and official union leaders, who believe that it was designed principally to enable the presidential administration to increase its control over the labor sector.

The Official Federation of Trade Unions of Belarus (FTUB), formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.4 million workers (including retirees) and is by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some FTUB leaders are becoming increasingly vocal in their criticism of the polices of the Lukashenko regime. In retaliation, some FTUB officials claim they have been subjected to threats and harassment from the Government. In late January the BFTU and FTUB-affiliated automobile and agricultural equipment manufacturing union held a joint demonstration in Minsk to protest falling living standards.

On September 30, the FTUB held a demonstration in Minsk, also supported by independent unions, to protest presidential decree number 29. However, Minsk city officials allowed the protest rally to take place only in a location away from the city center. Prior to the demonstration, President Lukashenko ridiculed the leaders, accusing them of manipulating popular hardship for political advantage, and warning them that persons who did not adhere to the Government's restrictions in the demonstration would "get it in full."

Although sometimes willing to try to cooperate with official union leaders to achieve mutual objectives, such as on September 30 and during a joint demonstration held in late January, independent labor union leaders remain skeptical that most FTUB representatives are prepared to promote effectively workers' rights. Independent labor leaders also maintain that the official trade unions' continued control over social welfare functions usually performed by the State (such as pension funds) is an obstacle to the growth of true, independent trade unions. On December 17, approximately 100 members of the free trade union picketed the Zenit factory in Mogilyov to protest the fact that state managers would allow only representatives of an official union to maintain an office at the plant.

Tight control by the Government over public demonstrations (see Sections 1.d. and 2.b.) makes it difficult for unions to strike or hold public rallies to further their objectives. Although union members undertook work stoppages, usually in response to late payment of wages, precise data on the number of strikes that took place is unavailable.

Unions may affiliate freely with international bodies.

b. *The Right to Organize and Bargain Collectively.*—Legislation dating from the Soviet era provides for the right to organize and bargain collectively. However, according to a poll conducted by the Ministry of Labor's Labor Research Institute in January 1998, although most industrial workers believe that the terms of their employment were governed by collective bargaining agreements, only 17 percent of the workers polled thought that collective bargaining agreements were executed as stipulated. Some analysts believe that the new presidential decree on labor discipline (see Section 6.a.), which aims at placing all workers on individual rather than collective contracts, could significantly threaten the principle of collective bargaining. Since the economy is still largely in the hands of the State, unions usually seek political redress for their economic problems. Workers and independent unions have recourse to the court system.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the Law on the State of Emergency or martial law. The Constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified. With the possible exception of juvenile prisoners, however, forced and bonded labor by children is not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified (see Section 6.c.).

e. *Acceptable Conditions of Work.*—During 1998 average monthly real wages declined significantly from about $88 to about $30 a month. The minimum wage does not provide a decent standard of living for a worker and family. Agriculture workers are paid approximately 39 percent less than the average monthly wages. The country's continuing economic problems make it difficult for the average worker to earn a decent living. At year's end, major wage arrearages remained, especially in the agricultural sector.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. Because of the country's difficult economic situation, an increasing number of workers find themselves working considerably less than 40 hours per week. Factories reportedly often require workers to take unpaid furloughs due to shortages of raw materials and energy and lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often are ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists, but does not have the authority to enforce compliance, and violations often are ignored. The high accident rate is due to lack of protective clothing, shoes, and equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job. Official data indicate that 130 workers died in industrial accidents during the first 6 months of 1999, half of which were due to drinking on the job. According to the Ministry of Labor, 294 persons died and 1300 were injured in workplace accidents during 1998. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

f. *Trafficking in Persons.*—There is no specific law against trafficking, although it is possible in theory that existing laws would be sufficient to prosecute traffickers. There were no reports of government efforts to prosecute traffickers.

A 1999 OSCE report, while acknowledging that reliable data are impossible to obtain, describes Belarus as a source country for women being trafficked to Central and Western Europe for purposes of prostitution. Information from such scattered destinations as the Netherlands, Lithuania and Bosnia, refer to Belarus among the source countries for women being trafficked to or through their countries.

There is much anecdotal evidence that young women are being trafficked by the Russian mafia, and end up in Cyprus, Greece, Israel, and Western Europe working as prostitutes. The Ministry of the Interior acknowledges that Russian criminal organizations may try actively to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East.

BELGIUM

Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Constitutional reforms enacted in 1993 transformed Belgium from a unitary into a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German) levels. The judiciary is independent.

The Government maintains effective control of all security forces. The Police Judiciaire and the Gendarmerie currently share responsibility for internal security with the municipal police, but the two organizations are to be merged at the federal level, and the Gendarmerie and municipal police are to be integrated at the local level under a reorganization plan that is to be implemented fully by April 1, 2001.

The country is highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports are iron and steel. The economy provides a high standard of living for most citizens.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. The Government is taking steps to combat violence against women and trafficking in women and children.

RESPECT FOR HUMAN RIGHTS

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

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

In February Parliament enacted legislation that further defines crimes against humanity, war crimes, and genocide and also imposes penalties for such crimes.

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

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

In addition to the integration of the police forces, the reorganization plan calls for the creation of an independent oversight body for the federal police and also for the creation of a new anticorruption unit.

Prison conditions vary. Newer prisons meet international standards. Older facilities meet or nearly meet minimum international standards despite their Spartan physical conditions and limited resources. In September the prison system, designed to hold 7,533 prisoners, held 8,350 inmates. A continuing program is intended to improve overall conditions and expand capacity to 8,000 beds by 2000. Women and men are housed in separate prisons. Men constitute 95 percent of all detainees. A third of male prisoners are under the age of 25; 70 percent are under the age of 35.

The Government permits prison visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest and detention, and the Government observes this prohibition. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement is subject to monthly review by a panel of judges, which may extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). Bail exists in principle under the law but is granted rarely. The Government no longer separates convicted criminals and pretrial detainees. Pretrial detainees receive different benefits from convicted criminals, such as the right to more frequent family visits. Approximately 40 percent of the total prison population consists of pretrial detainees. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the state.

The law prohibits exile, and the government does not employ it.

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

The judicial system is organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and for the whole Kingdom—the Cour de Cassation. The latter is the highest appeals court.

Military tribunals try military personnel for common law as well as military crimes. All military tribunals consist of four officers and a civilian judge. At the appellate level, the civilian judge presides. The accused has the right of appeal to a higher military court.

Each judicial district has a Labor Court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits.

The judiciary enforces the law's provision for the right to a fair trial. Charges are clearly and formally stated, and there is a presumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The Government continued to implement judicial reforms in the wake of public dissatisfaction with the handling of the 1996 Dutroux pedophile investigation (see Section 6.f.). The reform legislation included the creation of a board of attorneys general, whose purpose is to oversee and streamline nationwide policy on criminal prosecutions. Changes also were made in the procedure governing the appointment and promotion of magistrates. The Government also created a High Council on Justice to supervise the appointment and promotion of magistrates. The Government plans for the Council to serve as a permanent monitoring board for the entire justice system and to be empowered to hear complaints against individual magistrates.

Following its review of the judicial system, the Government implemented several reforms that granted stronger rights to victims of crime. These measures allow victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. As part of its program of judicial reform, the Government since 1997 opened 11 "justice houses." These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victims' assistance. The Government plans to open a justice house in the remaining 16 judicial districts by 2001.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The law provides for these freedoms, and the Government respects these rights in practice. An independent press, an effective ju-

diciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

The Government operates several radio and television networks but does not control program content. Boards of directors that represent the main political, linguistic, and opinion groups supervise programs. A government representative sits on each board but has no veto power. Private radio and television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere abroad. Satellite services are also available.

There are restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence. A law passed in February prevents political parties that espouse discrimination from receiving federal funds.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government respects this provision in practice. However, during the year two demonstrations were banned. In March the city of Brussels banned all protests and demonstrations concerning the NATO air strikes in Kosovo. City authorities cited law and order reasons for this decision. In April a local politician climbed the fence at Klein Brogel air base as part of an antinuclear demonstration and was cited for breaking and entering. Local authorities banned future antinuclear demonstrations at the base. In July a district judge ruled that the legal case against the politician did not fall under the jurisdiction of the district court. No further action was taken on the matter.

The law provides for freedom of association, and the Government respects this provision in practice. Citizens are free to form organizations and establish ties to international bodies; however, the Antiracism Law (see Section 5) prohibits membership in organizations that practice discrimination overtly and repeatedly. In April a district judge in Ghent ruled that the "Hells Angels" are a private militia as defined by the law and ordered that the group be disbanded. The organization appealed the decision and related sanctions, and the appeal verdict was pending at year's end.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the government respects this right in practice. The Government does not hinder the practice of any faith. The law accords "recognized" status to Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Greek and Russian Orthodoxy, and these religions receive subsidies from general government revenues. Taxpayers who object to contributing to religious subsidies have no recourse. By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools, but not all avail themselves of this right. For recognized religions, the Government pays the salaries, retirement, and lodging expenses of ministers and also subsidizes the renovation of church buildings.

The lack of independent recognized status generally does not prevent religious groups from freely practicing their religions.

However, in September 110 national police officers raided Church of Scientology facilities and the homes and businesses of about 20 members of the Church. One member's home in France was raided simultaneously by the French authorities. At year's end, an investigation continued, and no arrests had been made.

Although Islam was declared a recognized religion in 1974, Muslims have not had an elected body to act as their representative in dealings with the federal government. In December 1998, Muslims held nationwide elections for an assembly consisting of 51 persons representing numerous communities of the Muslim faith. Of those elected, four were women. The Muslim representative body recognized by the Government currently is composed of 16 members appointed by the elected assembly and the current Muslim executive council. A 17th member may be appointed in the future, although no individual has been named to fill this position.

The Evangelical Association (a group of evangelical Christian organizations) continued to claim discrimination due to the Government's refusal to grant it recognized status separate from the Protestant religion. Despite the Government's refusal, it is negotiating with the group in an effort to ensure that the Evangelical Association enjoys the same benefits as recognized religions by mediating discussions to enable the evangelical association to obtain a seat in the leadership of the recognized Protestant church.

In 1998 Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. One of the primary recommendations was to create a "Center for Information and Advice on Harmful Sectarian Organizations." The

Center opened in October and is working with a limited staff of two persons. It is tasked with collecting publicly available information on a wide range of religious and philosophical groups and providing information and advice to the public regarding the legal rights of freedom of association, freedom of privacy, and freedom of religion. The Government has not yet published regulations for its operations. In 1998 the Government also created an interagency body designed to work in conjunction with the Center to coordinate government policy on sects, but this body had not been set up by year's end. Nor had the Government or Parliament yet taken any action to establish a special police unit on sects or to designate special magistrates to monitor cases involving sects, which were two other recommendations of the 1997 commission.

The parliamentary report also recommended that the country's community governments sponsor information campaigns to educate the public—especially children—regarding the phenomenon of harmful sects. In March the Francophone Community government launched a prevention campaign called "Gurus, Beware!" The campaign was intended to fulfill the commission's recommendation to educate the country's youth on the dangers posed by harmful sects. Information for the campaign was disseminated through pamphlets, brochures, television, and motion picture advertisements. On one page, the brochure discussed 20 of the groups listed in the 1997 commission report and stated that the country harbors certain "dangerous sects." In April 1999, one of the groups discussed in the brochure, the Anthroposophic Society (which is based in Antwerp), filed suit to halt its distribution. An Antwerp court issued an order enjoining the Francophone Community government from further distribution of the brochure until all defamatory language referring to this group was removed from the text. The Francophone Community agreed not to publish any additional brochures.

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

The law include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum, and during the first 11 months of the year approximately 31,000 new applications for asylum were filed, compared with 21,947 for all of 1998. A total of 1,404 applicants, mostly from previous years, were granted permanent residence. Counting those from previous years, 33,730 applications remained pending. Of new asylum seekers during the year, 35 to 40 percent were displaced residents of Kosovo.

In May the Government decided to extend special asylum status to about 15,000 Kosovar Albanian refugees who entered the country illegally in the past year. This regularization of status enabled these refugees to receive the same benefits, including the right to work and claim social security benefits, as 1,200 Kosovars already welcomed by the Government. In late 1999, the Government planned to abolish the special status held by Kosovars, but those still holding this special status are to be able to obtain extensions for up to 6 months. They may then apply for regular refugee status, which 2,300 members of this group already have done.

Extensions of a special program initiated in 1992 for refugees from the former Yugoslavia were discontinued at the beginning of the year. The displaced persons admitted under that program were allowed either to adjust their status and become permanent residents or to apply for political asylum.

Asylum seekers arriving by air with no papers are detained for up to 5 months while awaiting consideration of their cases. The children do not attend school. If no asylum decision has been reached by the end of the 5-month period, then the asylum seeker is released or voluntarily repatriated. At the discretion of the Minister of Interior, the Cabinet may exempt certain cities, which have already accepted large refugee populations, from giving legal residence to new refugees or asylees.

In 1998 a Senate commission recommended reforms to immigration law designed to create a more "just and humane" immigration policy. The commission criticized the conditions in detention centers and advocated the upgrading and renovation of certain centers. In addition to improving the physical infrastructure of the centers, the commission recommended that detainees receive improved access to legal, medical, and social services.

The commission also proposed the creation of a national body to oversee the quality of conditions in detention centers.

In September 1998, a Nigerian woman died following a struggle with police who were trying forcibly to repatriate her. In the aftermath of this incident the Government fully adopted new policies on asylum in 1999, which mirrored recommenda-

tions made earlier that year by the Senate commission with regard to matters such as limiting the period of detention, adding staff and funding, reviewing cases and documentation, and enlarging reception centers. The Government also created a task force to monitor asylum policy in November. In addition, based on the recommendations, the Gendarmerie unit that deals with forced repatriations was enlarged and better trained.

After the change in government in July, immigration and asylum measures became a focus of the new Government. The Minister of Interior created working groups to develop a plan for the Government and hired a significant number of additional officials in the Aliens Office to handle processing and interviewing.

As a first step in the comprehensive changes in asylum and immigration policies, in October the Government initiated a mass repatriation of 74 Slovak Roma who were denied asylum. Some reports indicated that not all deportees departed voluntarily but were tricked into appearing for the repatriation. In December the Government used military aircraft to carry out a second repatriation. This time 15 Nigerians who were living illegally in Belgium were sent home.

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. Citizens ages 18 and older exercise this right in practice through periodic, free, and fair elections held on the basis of universal and compulsory (under penalty of fine) suffrage. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operate freely.

In 1998 the European Court of Justice censured Belgium for its failure to comply with a European Council directive requiring members states to accord to all citizens of European Union (EU) countries resident in another EU country the right to vote in municipal elections. In 1998 Parliament amended the Constitution to extend that right to EU citizens and passed implementing legislation in January.

The Federal Government is responsible for such matters of state as security, justice, social security, and fiscal and monetary policy. The regional governments are charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

Women are underrepresented in government but hold some senior positions. Of 18 federal ministers, 3 are women. In the Federal Parliament, 34 of 150 house members and 20 of 71 Senators are women. These numbers show a slight increase in the role of women in the Federal Government, partially due to a 1998 law that requires that 33 percent of the candidates on the ballot in all elections be women. Following the June 13 general elections, for the first time two women became Vice Premiers in the Cabinet.

The existence of communities speaking Dutch, French, and German engenders significant complexities for the state. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

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

Numerous human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

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

The law prohibits discrimination based on these factors, and the Government enforces it. With Dutch, French, and German as official languages, the counry has a complex linguistic regime, including language requirements for various elective and appointive positions. In February the Senate passed a new law intended to prevent official financing of any racist or xenophobic party or any party that does not respect human rights.

Women.—A 1997 parliamentary report described domestic violence against women as still "covered by a culture of silence." In one academic study, an eminent sociologist found that slightly less than 1 percent of the women in a particular town had reported incidents of domestic violence to the authorities. However, the number of unreported incidents is higher, and other studies suggest that approximately 6 percent of women in several other towns were abused by their domestic partners.

A 1998 law defines and criminalizes domestic violence. The legislation aims to protect married and unmarried partners. Women's groups believe that it is an important step in recognizing domestic violence as constituting a offense distinct from other forms of aggression. The legislation allows social organizations to represent victims of domestic violence in court provided that they have the victim's consent. In early 1999 a law was passed allowing police entry into a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. The legislation also requires the Government to maintain a database of statistics on the subject, but by year's end it had not made any progress on implementing any provisions of the law and did not yet have any accurate statistics on domestic violence.

A number of shelters and telephone help lines operate throughout the country. In addition to providing women with shelter and advice, many offer assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets are provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. Parliament enacted a law in 1995 that defined and criminalized trafficking in persons, but cases of trafficking in women continued (see Section 6.f.).

Sexual harassment is illegal. The Government implemented procedures to monitor sexual harassment claims in the private sector in 1992 and in the public sector in 1995. Victims of sexual harassment have the right to sue their harassers under existing law. A 1998 government investigation of sexual harassment determined that one out of three women is harassed sexually in the workplace. Due to improper interpretation of sexual harassment and victim denial, this figure is considered understated.

In May a revision of the law on equal opportunity in the workplace was passed, which stated that sexual harassment can be a form of sexual discrimination. The act outlaws discrimination in hiring, working conditions, promotion, wages, and contract termination. Due to the revision, sexual harassment can result in civil and administrative action by the Ministry of Labor. It now has a broader legal basis in court, and victims of sexual harassment have an additional recourse--reversal of proof, which requires the defendant to provide evidence in the case. Reversal of proof only occurs in cases in which sexual harassment is judged in a court as a form of sexual discrimination. As a result of the new codes, more cases now go to the Labor Court. However, despite the new laws, most cases of sexual harassment are resolved informally.

Equal treatment of men and women is provided for by the Constitution, federal law, and treaties incorporated into law. The Government actively promotes a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focuses specifically on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. Beginning in 1999, federal law requires that one-third of all candidates for elected office be women.

The female unemployment rate (10.9 percent at the end of 1998) exceeded the male unemployment rate (6.7 percent), according to one government study released in June. The net average salary for a woman is only 84 percent of the national average salary.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded system of public education and health care. It provides compulsory education up to the age of 18. The Francophone and Flemish communities have agencies specifically dealing with children's needs.

Government and private groups provide shelters for runaways and counseling for children who were abused physically or sexually.

There are comprehensive child protection laws. Children have the right to a voice in court cases that affect them, such as divorce proceedings. The law states that a minor "capable of understanding" can request permission to be heard by a judge, or that a judge can request an interview with a child. In 1995 the Government enacted laws designed to combat child pornography by increasing penalties for such crimes and for those in possession of pedophilic materials. The law permits the prosecution of Belgian citizens who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison.

Belgium is both a transit point and a destination for trafficking in children (see Section 6.f.).

In another response to public criticism of the handling of the pedophile case (see Sections 1.e. and 6.f.), the Government assisted in the establishment of Child Focus, a center for missing and exploited children that opened in December 1997. During its first 9 months of operation, the center's hot line received 23,000 calls, averaging 80 calls per day, resulting in 639 active cases. A total of 77 percent of the cases related to runaways or parental abductions. The remaining cases involved missing children (12 percent) and sexual exploitation (11 percent). By comparison, in the first 9 months of 1999, the hot line averaged over 120 calls per day.

Child prostitution is of limited scope, but in response to recommendations made in a 1994 government study, the police received instructions to be especially diligent in combating prostitution among those who appear to be under the age of 18.

There is no societal pattern of abuse directed against children.

People with Disabilities.—The law provides for the protection of disabled persons from discrimination in employment, education, and in the provision of other state services. The Government mandates that public buildings erected since 1970 be accessible to the disabled and offers subsidies to induce the owners of other buildings to make necessary modifications. However, many older buildings are not accessible.

The Government provides financial assistance for the disabled. It gives special aid to parents of disabled children and to disabled parents. Regional and community programs provide other assistance, such as job training. Disabled persons are eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

National/Racial/Ethnic Minorities—Belgium is a pluralistic society in which individual differences in general are respected, and linguistic rights in particular are protected. Some 60 percent of citizens are native Dutch speakers, about 40 percent are French speakers, and fewer than 1 percent are German speakers.

An Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 1998 the Center for Equal Opportunity and the Fight Against Racism, a parliamentary organization tasked with investigating complaints of discrimination based on race, handled 1,241 complaints leading to mediation or court action in 848 cases. In the first 6 months of 1999 the Center handled approximately 550 complaints, 299 of which resulted in mediation or court action.

In 1998 legal actions were completed against six paratroopers who participated in the 1993 U.N. peacekeeping operation in Somalia and who were accused of dishonorable, racist acts there. Two were acquitted due to lack of evidence, two received probation, one received a suspended sentence unrelated to racism, and one received a 12-month prison sentence, a fine, and a 5-year suspension of civil and political rights. In the aftermath of the process, the armed forces performed an internal investigation of racism, but the review found no indication that it was a systemic problem. Despite this finding, during the year the armed forces began mandatory diversity training for all new employees.

Section 6. Worker Rights

a. *The Right of Association*.—Under the Constitution, workers have the right to associate freely, which includes the freedom to organize and join unions of their own choosing. The Government does not hamper such activities, and workers fully and freely exercise their right of association. About 60 percent of workers are members of labor unions. This number includes employed and unemployed workers. Unions are independent of the Government but have important links with major political parties. The Government does not require unions to register.

In its 1999 report, the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations reiterated its criticism that the Government should adopt legislation establishing "objective, predetermined, and detailed criteria" to enable employers' organizations and trade unions to have access to the National Labor Council. Because of restrictive interpretation of the legislation in force, only the Christian, Socialist, and Liberal trade union confederations have access to the National Labor Council.

In order to exclude trade unions from the Criminal Organizations bill, the trade unions forced amendment to the bill in a January 10 act. Unions feared that the bill would undermine their basic rights, including the right to strike.

Unions have the right to strike, and even strikes by civil servants and workers in "essential" services are tolerated. However, seamen, the military, and magistrates have no right to strike. In January the Gendarmerie obtained a limited right to strike as part of the police reform package; this provision is to be implemented by April 1, 2001.

Even though many strikes begin as wildcat actions, strikers are not prosecuted for failure to observe strike procedures in collective bargaining agreements. Crimes committed during a strike action, such as causing bodily harm or damage to property, are clearly illegal strike methods, which the authorities prosecute.

The December 1998 act on the merger of the police forces gave the federal police the right to strike. The Government has the authority to order necessary forces back to work during a strike in order to maintain law and order.

The International Confederation of Free Trade Unions (ICFTU) in its "Annual Survey of Violations of Trade Union Rights 1999" again mentioned that for several years employers made applications to civil courts to end strikes. The report added that, more recently, judges tend to rule that labor conflicts are not within their jurisdiction. This stance reinforces the widely accepted practice that any discussion of the right to strike is a subject for collective bargaining between workers and employers and not a legal matter. Although draft laws were submitted, no legal action was taken by Parliament to end the legal confusion.

Unions are free to form or join federations or confederations and are free to affiliate with international labor bodies.

b. *The Right to Organize and Bargain Collectively*.—The right to organize and bargain collectively is recognized, protected, and exercised freely. Every other year the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. In the fall of 1998, employers and unions agreed on a nationwide collective bargaining agreement that focuses on collective bargaining at the branch and plant levels and limits compensation increases to 5.9 percent for the 1999-2000 period. The agreement covers cost of living adjustments, wage increases, and job creation measures.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Effective mechanisms such as the labor courts exist for adjudicating disputes between labor and management.

In May and in anticipation of the merger of the police forces, Parliament enacted new legislation on collective bargaining procedures between the federal authorities and the unions and professional organizations representing all law enforcement agents.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor*.—The law prohibits forced or compulsory labor, and it is not known to occur. The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children is 15, but education is compulsory until age 18. Youths between the ages of 15 and 18 may participate in part-time work/study programs and may work full time during school vacations. The labor courts effectively monitor compliance with national laws and standards. There are no industries where any significant child labor exists. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The monthly national minimum wage for workers over 21 years of age is $1,228 (45,427 Belgian francs); 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent. The minimum wage, coupled with extensive social benefits, provides workers with a standard of living appropriate to a highly developed nation. Minimum wages in the private sector are set in biennial, nationwide collective bargaining meetings (see Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours and must have at least one 24-hour rest period. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week is considered allowable overtime. Longer workdays are permitted only if agreed upon in a collective bargaining agreement. These laws and regulations are enforced effectively by the Ministry of Labor and the labor courts.

The law calls for comprehensive provisions for worker safety. Collective bargaining agreements can supplement these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to

their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implements health and safety legislation through a team of inspectors and determines whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

f. *Trafficking in Persons*.—A 1995 law defines and criminalizes trafficking in persons. Under the law, victims of trafficking may be granted temporary residence permits and are eligible to receive aid from government-funded reception centers. Since 1994 the majority of cases were victims of either sexual or economic exploitation. The victims of sexual exploitation increasingly are women under age 18. Since enactment of this law, a magistrate was designated in each judicial district to supervise cases involving trafficking in persons. As a result of the new law, the Government reports significant increases in witness testimony and the successful prosecution of traffickers.

Belgium is both a transit point and destination for trafficking in women and children. In September the three NGO's involved in assisting victims of trafficking in persons reported 185 active cases of trafficking in women from over 30 countries. The largest number of victims were Albanian. Cases on 28 children from 7 different countries also were active; the largest number were from Albania and Macedonia.

In 1996 the authorities uncovered a suspected pedophile/child pornography and trafficking ring. The criminal investigation of this suspected ring continued during the year. Five suspects remained in detention; however, their trial is unlikely to begin before mid-2000. In February a parliamentary commission, appointed in the aftermath of this case and tasked with investigating allegations of corruption and complicity in the law enforcement and judicial systems, issued its report. The commission sharply criticized the entire judicial system, including both the police and judiciary for undisciplined, inept, and potentially corrupt handling of the pedophile scandal and associated crimes. It also recommended that disciplinary action be considered against numerous police officers and magistrates involved in this investigation. As of September, only one police officer received a warning. No other officials were disciplined.

BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina, previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation, which has a postwar Bosniak and Croat majority, occupies 51 percent of the territory; the RS, which has a postwar Bosnian Serb majority, occupies 49 percent. The Constitution (Annex 4 of the Dayton Accords) establishes a statewide government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The entities maintain separate armies, but under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. In 1998 Bosnia and Herzegovina held its most peaceful and pluralistic elections since the 1995 Dayton Accords put an end to 3 years of war. Multiethnic parties committed to building on the foundation established at Dayton made some progress during the presidential and assembly elections. At the same time, the largest political parties, which won a majority of assembly seats, continued to be ethnically based. These were the Bosniak-dominated Party of Democratic Action (SDA), the Croatian Democratic Union of Bosnia and Herzegovina (HDZ), and the Serb Democratic Party-Serb Radical Party coalition (SDS/SRS). Although formally independent, the judiciary remains subject to influence by political parties and the executive branch.

One of the two entities that make up Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, was established in March 1994 and transformed the government structure of the Bosnian territories under Bosniak and Croatian control. The President of the Federation appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures have been implemented only gradually. Major steps were the creation of canton governments, the unification of Sarajevo under Federation control in spring 1996, and the 1996 and 1998 elections of the Federation Parliament. However, serious ethnic and

political rivalries continue to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures often exist in practice.

The Republika Srpska of Bosnia and Herzegovina (RS) is the other entity. In 1997–98 most of the RS political and administrative agencies moved from Pale, a stronghold of former Bosnian Serb leader and indicted war criminal Radovan Karadzic, to Banja Luka. The President and Vice President were elected in 1998 for 2-year terms. Their terms of office are to increase to 4 years after the 2000 elections. The RS National Assembly is unicameral and elected on a proportional basis. The 1998 elections were relatively free and fair but resulted in the election of a hardline president, Nikola Poplasen of the SRS. He refused to nominate a candidate for prime minister with sufficient support in the RS Assembly to form a government. This episode eventually contributed to a confrontation with the OHR in which the OHR removed Poplasen from office on March 5. Vice President Nikola Sarovic has not yet been permitted to step into the position.

Also on March 5, but unrelated to Poplasen's dismissal, Roberts B. Owen, arbitrator for the Brcko Arbitral Tribunal, announced a final award, whereby the entire prewar Brcko municipality was to become a "self-governing neutral district," which would belong to both entities. The award delegated to the district's internationally appointed supervisor the responsibility for deciding when the district would begin to govern itself under a new district statute. Until then the supervisor would retain ultimate authority over the district. The final disposition of this region was a highly sensitive issue since the region of Brcko connects the eastern and western sections of the RS. Until new laws are issued or existing laws are adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7, and a districtwide multiethnic police force was to be established officially in January 2000. Demilitarization of the Brcko district was underway and scheduled to be completed by the end of February 2000. On August 18, the Brcko Tribunal issued an annex to the final award, clarifying implementation of the award. In particular, it established the citizenship status of district residents and confirmed the right of transit by military forces of both entities. It also directed the supervisor to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The Constitution gives the government of each entity responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and create a secure environment for implementation of the nonmilitary aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, elections, and freedom of movement of the civilian population. The International Police Task Force (IPTF), established by the United Nations under Annex 11 of the Dayton Accords, oversees police restructuring and training. The IPTF also may investigate human rights abuses. Police in both entities have violated international standards and discriminated on political, religious, and ethnic grounds. However, with training and increased professionalism of the police and the increasing activism of professional standards units, these cases were decreasing compared with 1998. During the year, both the Federation and the RS used internal affairs units to investigate and dismiss officers. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces were outside the normal police chain of command, reporting directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Security forces committed human rights abuses throughout the country.

The economy remains weak and dependent upon international assistance. During the year gross domestic product (GDP) was $3.5 billion in the Federation; estimates of the GDP in the RS were lower. According to government statistics, GDP per capita was $600 for both entities. The continued return of refugees from abroad was expected to compound the problem of job creation and to reduce remittances. International assistance financed infrastructure reconstruction and provided loans to the manufacturing sector.

The commitment to respect citizens' human rights and civil liberties remains tenuous in the country, and the degree of respect for these rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities; serious human rights abuses continued in several areas.

There were four deaths in custody, all in the RS, and isolated instances of political, ethnic, or religious killings continued. Killings due to bombings and booby traps also continued. Human rights abuses by the police continued during the year, and serious problems persisted. Police continued to commit abuses throughout the country, principally the physical abuse of detainees. Some police in the RS beat refugees.

Police in all areas also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Members of security forces also abused and physically mistreated other citizens. Prison conditions continued to be poor in both entities.

In the RS, criminal procedure legislation that was held over from the prewar Yugoslav period granted police wide latitude to detain suspects for long periods of time before filing charges. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Confusion over the rules for arrest and detention of suspects for The Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) has led in some instances to questionable detentions in both the Federation and the RS. While its rhetorical support for cooperation with the ICTY has improved, the RS continues its de facto refusal to take action against any Serbs indicted by the ICTY.

The judiciary in both entities remained subject to coercive influence by dominant political parties and by the executive branch. In many areas, close ties exist between courts of law and the ruling parties, and those judges who show independence are subject to intimidation by the authorities. Even when independent decisions are rendered, local authorities often refuse to carry them out. Authorities in all areas infringed on citizens' privacy rights.

Authorities and dominant political parties exerted influence over the media and freedom of speech and of the press was limited to varying degrees in the different entities. During the year, the High Representative imposed a new media law for the Federation and a series of amendments to the media law in the RS. The High Representative also imposed measures removing criminal penalties for slander and libel. Academic freedom was restricted. Authorities imposed some limits on freedom of assembly and association. Religious discrimination remained a problem. Both governments and private groups continued to restrict religious practices by minorities in majority areas. Although freedom of movement continued to improve, some limits remained in practice.

Discrimination against women persists, prostitution is widespread, and trafficking in women and trafficking in women and girls is a serious problem. Severe discrimination continues in areas dominated by one ethnic group, particularly in the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees, in both entities continues to obstruct minority returns. Local authorities and mobs (in most cases believed to be organized or approved by local authorities) harassed minority returnees and violently resisted their return. The destruction of minority-owned houses continued, particularly in Croat-controlled areas. Marginal economic conditions and severe discrimination in the educational system also complicated returns. Enactment of property legislation proceeded in both entities under pressure from the international community, but implementation was sporadic and very slow. Mob violence was a serious problem. Some restrictions on freedom of movement continued. Ethnic discrimination remains a serious problem.

During the year, there were increased efforts on the part of SFOR to apprehend perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 7 (including 1 killed) indictees out of the 93 publicly indicted by the Tribunal. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 32 persons in ICTY custody awaiting trial or on trial. There was one death in custody during an attempted arrest of an indictee, and several deaths in custody during the year. There were 31 public indictees still at large at year's end. ICTY trials during the year resulted in 2 convictions and no acquittals.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by police; however, there were four deaths in custody, all in the RS. On August 13 in Kozarac, a Bosniak returnee shot and killed the leader of an Orthodox religious association. A Bosniak who recently converted to the Orthodox religion also was killed in the incident. The shooting stemmed from a dispute over the property where the shooting occurred. The perpetrator died in police custody. While his death was judged a suicide by local authorities, IPTF officials are not convinced of that determination, and their investigation into the incident was ongoing at year's end.

On March 16, Federation Deputy Interior Minister Jozo Leutar, a Bosnian Croat, was injured fatally in a car bombing in the center of Sarajevo on March 16; he died on March 28. Two other persons in the car also were injured. Ethnic divisions within the police and political interference from some quarters hampered progress of the

investigation, which remains a contentious political issue. At year's end, no suspects had been arrested. However, UN officials have stated publicly that suspects were identified.

In April a Sokolac court in the RS acquitted six Bosniak suspects who had been tortured by RS police while they were being interrogated for the August 1998 murder of Pale Public Security Center Deputy Chief Srdjan Knezevic. The judge found that there was insufficient evidence to link them to the crime.

In May a trial began against Bosniak Muris Ljubucic for the July 1998 bombing that killed Croat Travnik police officer Anto Vajan. This was the first indictment and trial since violence against Croat police officers began in 1998. The trial ended in an acquittal.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished. This includes war criminals indicted by the ICTY, those responsible for the up to 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in Bosnia. In April a Sarajevo court sentenced Goran Vasic to 10 years in prison for war crimes during the 1992–95 conflict, although he was acquitted in the 1993 murder of Deputy Prime Minister Hakija Turajlic due to lack of evidence.

During the year, there were increased efforts on the part of SFOR to apprehend perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 7 indictees out of the 93 publicly indicted by the Tribunal. Seven were detained forcibly, and none turned themselves in to NATO troops. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 32 persons in ICTY custody awaiting trial or on trial.

In January indicted war criminal Dragon Gagovic was killed during an attempt by SFOR to detain him (see Section 1.b.). The ICTY indicted Gagovic in June 1995 for crimes against humanity and for grave breaches of the laws or customs of war. During SFOR's attempt to arrest him, Gagovic attempted to ram SFOR soldiers with his car. The soldiers opened fire and hit Gagovic, who was pronounced dead on arrival at a nearby hospital. There were several other deaths in custody during the year. On June 7, Dragan Kulundzija who was charged with murder was arrested by SFOR. According to the ICTY indictment, Kulundzija subjected detainees to torture and inhumane treatment while serving as a shift commander at the Keraterm concentration camp near Prijedor. In June SFOR troops arrested Radomir Kovac, a subcommander of the RS military police and a paramilitary leader in Foca, who was charged with a "grave breach" of the 1949 Geneva Convention and crimes including the rape and enslavement of women. In July SFOR troops arrested Radoslav Brdjanin who was the Bosnian Serb Vice President during the war. Austrian police arrested Momir Talic, commander of the RS army, in Vienna on August 25 during an Organization for Security and Cooperation in Europe (OSCE) sponsored conference on military ethics. Talic was the subject of a sealed indictment from the ICTY for war crimes against the civilian population and "willful killing" when he served as the commander of Serb forces in northwest Bosnia in 1992. Talic was transferred to The Hague immediately after his arrest. In December SFOR troops arrested former Bosnian Serb Major General Stanislav Galic. Of the 31 public indictees still at large at year's end, the majority reportedly live in the RS (many allegedly in Prijedor and Foca), although RS authorities made no effort to arrest these indictees. The ICTY during the year issued 2 convictions and no acquittals. This brings the total number of convictions to 13 since ICTY's inception. In October the ICTY acquitted Bosnian Serb Goran Jelisic on genocide charges; Jelisic previously had pled guilty to 31 counts of war crimes and crimes against humanity.

b. *Disappearance.*—There were no reports of politically motivated disappearances during the year.

The OHR in late 1997 took the lead in forging an agreement among the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons to expedite exhumations across the interentity boundary line (IEBL). The State Commission for Missing Persons reported that the remains of an estimated 1,199 persons had been recovered in the first 8 months of the year. Of those, 829 were Bosniaks, 120 were Croats, and 240 were Serbs. In addition to those killed in Srebrenica and Zepa, the International Committee of the Red Cross (ICRC) reported that since 1995 it received requests from family members to trace 19,834 persons missing from the war years: 2,024 of these persons were accounted for (281 of whom were found alive). The ICRC noted that Serb, Croat, and Bosniak authorities were in a position to provide more information in response to its inquiries, particularly those concerning 286

persons, known to have been detained at one time in connection with the war, who remained missing.

The International Commission on Missing Persons (ICMP) funds the interentity exhumations process, provides support to families of the missing, and puts political pressure on Bosnian officials to provide information on missing persons.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment; however, in all areas of the country, police and prison officials abused and physically mistreated persons at the time of arrest and during detention. There were reports of RS police beating refugees during the year, and there were serious incidents of police beatings and torture in Pale and Teslic in the RS and in Capljina in the Federation in 1998.

U.N. High Commission for Refugees (UNHCR) and OSCE monitors heard reports from Kosovar refugees of numerous human rights violations perpetrated by RS police. These violations included beatings, harassment, and extortion of money (see Section 2.d.). Refugees also reported incidents of RS police confiscating and destroying refugees' documents.

The military at times used force to prevent the eviction of soldiers and the return of prewar owners (see Section 2.d.).

Serb police continued to employ excessive force to prevent Bosniak former residents from returning to, or staying in, RS territory. Similar patterns of abuse occurred in Croat majority areas. A pattern of poor police protection and violence against minority communities continued in several areas. Police in Stolac and in Gacko proved unwilling or unable to contain the numerous instances of arson designed to intimidate returnees. In January the IPTF and the U.N. determined that the Stolac police had failed to respond adequately to over 70 instances of violence against or intimidation of returnees in 1998. In addition, the IPTF found that the command structure of the Stolac police department was inadequate and vulnerable to outside influence. As a result, every member of the Stolac police administration was placed on a 3-month probation starting February 3. In May the IPTF determined that surplus officers had been removed, integration of minority officers had progressed, and security planning for returning refugees and internally displaced persons (IDP's) had improved. However, the Stolac police force is not yet sufficiently integrated, effective, or professional. The IPTF concluded that the deficiencies of the Stolac police force were symptomatic of law enforcement problems throughout the Herzegovina-Neretva canton.

There also were instances in which police did not act to halt mob violence. In August the OSCE replaced Drvar mayor Mile Marceta with Momcilo Bajic after repeated threats against Marceta made it impossible for him to fulfill his responsibilities. Marceta was supportive of Serb returns to Drvar. The Drvar police did not make a sufficient effort to protect Marceta. The OSCE also removed Borivoj Malbasic as president of the municipal council. In addition, the High Representative, working with the IPTF, removed the interior minister of Herzeg Bosna canton after he failed to promote security in the canton and to investigate a number of violent incidents.

At times some police officers impeded the enforcement of the law by their unwillingness to execute eviction orders. Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 2.d.).

In April a Sokolac court in the RS acquitted six suspects who had been tortured by RS police while they were being interrogated for the August 1998 murder of Pale Public Security Center Deputy Chief Srdjan Knezevic.

The IPTF made significant progress in its efforts to restructure and increase professionalism in the police force. The IPTF neared completion of its programs to provide human dignity and basic skills training to all Federation and RS police officers. The IPTF continued its certification of Federation and RS police and decertified officers on a variety of charges. This process involved written and psychological examinations. In addition, an IPTF unit in The Hague checks all names of police officials through the ICTY data base. In October the RS police academy graduated its second class, with 81 men and 27 women representing different ethnic backgrounds. At year's end, the Federation Academy had begun training its fourth graduating class, containing a majority of ethnic Serb cadets. All Federation canton governments have agreed to an ethnically mixed police force in principle. The Federation police include Croat, as well as Bosniak, officers and generally reflect the appropriate ethnic mix within each canton. However, the police forces throughout the country generally do not reflect higher standards of ethnic representation required by various agreements. In practice, the majority of cantons have parallel police forces, with separate budgets and chains of command, divided along ethnic lines. Cooperation between

the RS and the Federation Interior Ministries often is better than cooperation between federation cantons. The integration of women into the police force is uneven. Of the 22 academy cadets from Tuzla canton, 21 are women, and more than half of the cadets in the Federation police academy are women. However, in Brcko none of the 230 officers are women. In January three Roma became police officers in the Tuzla-Podrinje canton in the Federation.

IPTF certification of officers proceeded more slowly in the RS, but there was progress on significant law enforcement reforms. In July 1998, the RS National Assembly passed a law separating the police and intelligence forces. Police officials were trying to recruit more minority candidates. RS police and international monitors were in the process of establishing an IPTF physical presence within RS police facilities to ensure proper IPTF monitoring of police reforms. Authorities in the RS adopted a policies and procedures manual that instituted, among other reforms, a public information bureau and internal affairs unit. Under these reforms, the RS authorities fired officers accused of graft or brutality.

In addition to attacks on members of other ethnic groups committed in both entities, Serbs in the RS threatened members of international organizations. On January 9, five IPTF monitors were injured, two of them seriously, in Foca following the death of indicted war criminal Dragon Gagovic (see Sections 1.a. and 4). The IPTF station was ransacked and two U.N. vehicles were burned. Gagovic died during an SFOR attempt to detain him. Later, 100 local residents attacked the IPTF station, badly damaging the office, equipment, and vehicles. International activities in Foca were suspended after the attack, and the IPTF currently has only a limited presence there. The RS Interior Ministry appointed the Foca chief of police to investigate the incident. The IPTF is monitoring the investigation.

On March 5, in Ugljevik in the RS, a mob of between 15 and 20 persons attacked 4 SFOR soldiers as they left a restaurant. As the soldiers ran for their vehicle, on was struck from behind with a club. When he was attacked a second time, he fired his weapon twice. His attacker, a local policeman, was pronounced dead on arrival at a local hospital.

In late March, an SRS and SDS-inspired mob attacked international offices, including the U.S. embassy branch office in Banja Luka, which resulted in extensive damage and injury to a security guard. The mob was protesting the NATO bombing campaign against the FRY. Also in March, the OSCE reading room in Visegrad was the target of a rocket attack. There were bombings in or around IPTF stations in Trebinje, Gradiska, Bijeljina, and Pale. U.N. vehicles were burned in Bijeljina, Doboj, and Zvornik.

In May two rocket propelled grenades and struck the living quarters of the Joint Commission Observer (JCO) in Zvornik. There were no reports of injuries, but two buildings were damaged.

In August the residence of the European Union's Joint Commission Observer (JCO) in Doboj was attacked and slightly damaged by unknown perpetrators. No one was injured and local authorities were continuing their investigation at year's end.

On October 14, an estimated 200 students threw rocks and bottles at troops from SFOR's Mobile Specialized Unite (MSU) outside the Interior Ministry building in Mostar. There were no reports of serious injuries. The attack came after SFOR began raids against municipal offices in Mostar that were undermining the Dayton Accords and after local radio broadcasts called on Croat residents to protest SFOR's actions (see Section 2.a.).

On October 30 and 31, SFOR and IPTF personnel in Zvornik in the RS were targeted in separate grenade attacks. There were no injuries to SFOR or IPTF personnel, but one civilian was slightly injured in the attack.

On October 6, it was reported that two masked men attacked and stabbed municipal council member Munib Hasanovic in the Srebrenica municipal building in the RS. RS police opened an investigation into the attack and the IPTF was monitoring its progress closely, although there was no progress in the case by year's end.

Individual and societal violence continued to be a problem and numerous bombings caused injuries. On February 10, a Bosnian Croat policeman in Travnik was injured by a car bomb, which detonated when he opened the door of his private vehicle, parked near the Travnik police station. The IPTF is monitoring the investigation by local authorities, which continued at year's end. Local police have not concluded their investigation, but this attack was one of a series of violent incidents in Central Bosnia canton, an area with a population almost equally divided between Bosniaks and Croats.

A pattern of deliberate mob violence against Serbs who sought to return to their prewar homes continued throughout the year, especially in Travnik, but such incidents decreased in number and severity compared to 1998. In June eight persons

were injured in the RS village of Tarevci during visits by returning refugees and IDP's. A crowd of Serbs gathered and threw sticks and stones at the approximately 60 Bosniak returnees there, who reportedly yelled provocative statements as they drove through town. An unidentified Serb threw a grenade into the crowd. Local police did not take effective action to improve the situation or to find those responsible for the attack. In July several violent incidents occurred in Drvar. Croat residents protested against further returns after the alleged rape of a Croat woman by a Serb man. (International law enforcement officials have concluded that this allegation was untrue.) SFOR increased its presence in the area. On July 3, an elderly Serb couple was attacked by Croat youths and injured. On July 4, another violent physical exchange occurred between Croats and Serbs. In August Bosnian Croat residents of Drvar beat three elderly Bosnian Serb returnee men. Local police at the scene allowed the perpetrators to leave but took the victims to the police station to give statements. On March 20, a Bosniak-owned home was bombed in the predominantly Croat town of Stolac. In April there were several violent incidents directed at Bosniak returnees in Borovnica in Prozor-Rama municipality, including a hand grenade that damaged a mosque and the arson of homes of several Bosniak returnees. Also in April, Bosniak and Croat residents traded gunfire between the Croat village of Urici and the Bosniak village of Memici-Blace. On April 27, unknown persons planted a bomb that exploded and caused a fire at the home of middle Bosnia canton former governor Ivan Saric in a village outside of Gornje Vakuf. No one was injured. An investigation was opened by canton and Federation antiterrorism officers. In May two Bosniak returnee houses in the Novi Grad area of the RS were attacked. One was destroyed by an explosion. Novi Grad continues to be a stronghold of hard-line Serbs. On September 9, unknown persons attacked the Bosniak village of Fazlagica Kula near Gacko in the RS with what appeared to be hand grenades. There were no reported injuries.

Prior to the attack, Bosniak returnees in the village were harassed with taunts and driveby shootings.

During the year there were several attacks on the homes of Romani families returning to Bijeljina, including grenades and bombs thrown into the yards outside their houses.

Conditions in Federation and RS prisons are poor and well below minimum international standards in terms of overcrowding, hygiene, and access to medical care. Facilities are antiquated and extremely poor.

International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

d. *Arbitrary Arrest, Detention, or Exile.*—There were fewer cases of arbitrary arrest and detention in both the Federation and the RS compared with 1998. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. The Federation revised these laws, removing this power from police, although not from investigative judges. The detention laws remain in force in the RS.

In one unconfirmed report, RS police in Sokolac detained several draft-aged male refugees from the FRY at the police station in the spring.

Human rights NGO's contend that there are cases in which persons who ostensibly are detained on criminal charges actually are incarcerated for political reasons. For example, Ibrahim Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the ruling Bosniak SDA views as a renegade party due to its activities during the war, was arrested and jailed in May 1997 for war crimes, after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. The Sarajevo cantonal court convicted and sentenced Djedovic to 10 years in 1998. He remained free at the end of 1998 pending appeal of his conviction to the Federation Supreme Court and currently serves as a DNZ deputy in the Federation House of Representatives. A retrial in the case was ordered in June.

There were no reports that forced exile generally was used as a legal punishment. However, in some Croat-dominated areas of the Federation, local Croat authorities and civilians attempted to expel returning Serbs. For example on July 3, the Canton 10 interior minister instructed the local police to expel all returnees who failed to change their registration from their previous temporary residence to Drvar and failed to obtain identification cards within 10 days. The action was an attempt to harass returnees since authorities also hindered returnees attempts to register (see Section 2.d.).

e. *Denial of Fair Public Trial.*—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and the leading political parties continue to influence the judicial system. Party affiliation and political connections weighed heavily in the appointment of prosecutors and judges.

The existing judicial hierarchy in the Federation consists of municipal courts, which have original jurisdiction in most civil and criminal cases; cantonal courts, which have appellate jurisdiction over the canton's municipalities; and three central courts (Constitutional, Supreme, and Human Rights—although the third of these is not operational). Reforms introduced by the OHR are to allow the Supreme Court to take immediate jurisdiction as the "court of first instance" for crimes including terrorism, organized crime, smuggling, and intercantonal crime. The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. The RS has both municipal and district courts, with the district courts having appellate jurisdiction. Judges are appointed and recalled by the National Assembly and have life tenure.

In June judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. In August the OHR imposed laws strengthening the Federation prosecutor's office and protecting the identity of witnesses in sensitive cases in the Federation. The international community continued training programs in the Federation to familiarize judges, prosecutors, defense attorneys, and the police with the Federation's newly reformed Criminal Code, which entered into effect in November 1998. The RS has not yet adopted similar criminal law reforms. Some NGO's expressed concern over the judicial selection process in eight federation cantons, especially in Sarajevo and Tuzla. Legal experts argued that the laws on judicial selection in those two cantons were inconsistent with the canton and Federation Constitutions.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

In May the RS Supreme Court ruled that three Bosniaks were wrongfully convicted of the 1996 murders of four Bosnian Serb woodcutters in Zvornik. A fourth defendant's conviction was upheld, but his sentence was reduced from 10 to 6 years. The convictions of three other defendants were overturned in May during an appeal in the RS district court in Bijeljina on the grounds that the defendants were denied the right to choose their own counsel. The original trial of all seven defendants was marred by pervasive and systematic human rights abuses. Confessions, coerced by torture, were the primary evidence used by prosecutors in the first trial. In its decision to release three of the remaining four defendants, the RS Supreme Court made no mention of human rights abuses committed by RS authorities during the investigation, the original trial, or the appeal. No date for a new trial was set by year's end.

In March the cantonal court in Sarajevo acquitted Bosnian Serb Miodrag Andric, who was being tried for war crimes, after the court finally permitted witnesses to testify in a court in Rogatica in the RS.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. Courts were often reluctant or unwilling to try cases of human rights abuse referred to them. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction. Even when the courts rendered a fair judgment, local officials often refused to implement their decisions. This was especially the case for those who won decisions mandating eviction of illegal occupants from their property. In addition, organized crime elements sought to pressure judges, especially in central Bosnia and Herzeg-Neretva canton.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution of Bosnia and Herzegovina provides for the right to "private and family life, home and correspondence," and the right to protection of property; however, authorities in all areas infringed on citizens' privacy rights.

Since the war, large numbers of citizens have been denied the right to their property, either privately-held or collectively-owned property, to which citizens had occupancy rights under the Communist system. Enactment of property legislation has proceeded in both entities under pressure from the international community. Registration of property claims is largely complete in the Federation and underway in the RS. However, resolution of claims and implementation of decisions is extremely

slow in both entities, and few claims were resolved during the year. The political leadership at all levels in both entities continues to obstruct minority returns by delaying needed reforms and refusing to implement decisions. The situation is particularly bad outside of Sarajevo canton. In particular, cases requiring evictions are subject to political manipulation and obstruction at every phase.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises (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; this right was respected partially in the Federation and in the western RS, but less so in the eastern RS. Within the Federation press freedom was restricted more severely in Croat-majority areas. Some progress was made in establishing independent media in some Federation cantons and in the RS, particularly in Banja Luka. The primary restraints on press freedom are control of the principal media by governing political parties and, in the case of newspapers, the unwillingness of Governments in either entity to provide access to kiosk networks under their control. Party-controlled media—particularly Croatian state radio and television—are the dominant electronic media and information source in Croat-majority areas of the Federation. Most media continued to be noticeably biased.

The ruling SDA party largely controls the Dnevni Avaz newspaper, which enjoys wide distribution in the Federation. Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Oslobodjenje and Vecernje Novine are the leading independent dailies, and Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is Reporter, a weekly published by a former foreign correspondent of the Belgrade-based independent Vreme, while Nezavisne Novine is an independent newspaper published in the western RS. Also in the RS, the Social-Liberal Party publishes an opposition magazine, Novi Prelom, and the Social Democratic Party publishes a daily newspaper.

Early in the year, authorities in Gradacac allegedly forced journalists to submit articles for review to a municipal office before they could be published.

There is only one high capacity printing facility, Oko, in the Federation, and it is aligned closely with the newspaper Dnevni Avaz, which is backed by the ruling Bosniak SDA party. In June Oko delayed printing an issue of the magazine Dani which included a confidential Sarajevo internal affairs ministry document about government connections to criminals and the mafia. The official reason given for the delay in printing was damage to the printing press. However, in the meantime the internal affairs office publicly released some of the information in the article, i.e., a list of 14 criminals known to be residing in Sarajevo canton. In the RS, the state-owned printing company Glas Srpski also has a virtual monopoly. According to the editor in chief of the daily and weekly newspaper Nezavisne Novine, before the newspaper was to publish an unfavorable article about indicted war criminal Zeljko Raznjatovic ("Arkan"), he received threats from Raznjatovic who reportedly was tipped off about the article by Glas Srpski. The day the article appeared street vendors who were selling the newspaper allegedly were beaten by Arkan supporters, who also stole all that day's issues.

It was difficult for independent and opposition media in the RS to gain access to the government-controlled kiosk distribution system. The same was true of some areas of the Federation, particularly in Croat-controlled regions. In addition, the ruling parties exerted economic pressure by refusing to allow state-owed companies to advertise in the independent media. Some independent media in the two entities, for example, Dani and Reporter, assist in the distribution of each other's publications in their respective entities.

On October 22, a car bomb attack on independent daily Nezavisne Novine editor in chief Zeljko Kopanja in Banja Luka resulted in the loss of his legs. The RS Interior Ministry and the Banja Luka police opened investigations into the case, but there were no results by year's end.

In May unknown assailants in Mostar allegedly beat two Croatian journalists from Rijeka and accused them of publishing unfavorable articles for the Croatian opposition newspaper Novi List about Herzegovina politics and crime.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns spectra for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue

warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards by stations in both entities.

In July the High Representative determined that the Governments of Bosnia and Herzegovina and the constituent entities had failed to take appropriate action to reform the broadcasting system. As a result, the High Representative imposed a series of laws and amendments restructuring the broadcasting system. These decisions provided for the liquidation of the current broadcaster, Radio Television Bosnia and Herzegovina (RTV BiH). In its place, OHR established a state-wide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH), which is to produce and broadcast at least 1 hour of news programming for radio and television. This programming is to focus on issues of statewide interest and joint institutions. The three constituent peoples of the country and other minority groups are to be represented in the system's administrative and editorial structures. PBS BiH is to represent the country in all international broadcast organizations.

The July decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. RTV FBiH is to broadcast on two stations, one offering primarily Croatian-language programming and one offering Bosnian-language programming. RTV FBiH is required to provide programming for other minority groups in their own languages. The High Representative's decision specifies that "programming must be based on truth, must respect human dignity and different opinions and convictions, and must promote the highest standards of human rights, peace and social justice, international understanding, protection of democratic freedoms and environment protection." The OHR appointed 14 of the 21 members of the Board of Governors and imposed the remaining 7 members who were to have been chosen by Parliament. As a result, there was no SDA influence on the Board. However, the SDA tried to obstruct the Board's activities by pressuring the political and business interests of board members.

Croat-controlled areas in Bosnia-Herzegovina are covered by Croatian State Television (HRT). The three HRT channels come into the country by means of an over-the-border terrestrial broadcasting satellite, and an extensive rebroadcasting operation managed by the Mostar-based, Zagreb-controlled Erotel company. HRT's news programs and editorials frequently criticize the Dayton Accords. A December 1998 decision by the IMC was intended to terminate the direct rebroadcast of the HRT by requiring that RTV BiH and Croat television broadcasters establish a Federation television system that meets the needs of all BiH citizens. However, availability of the HRT and satellite broadcasts were unchanged at year's end.

Citing the RS government's lack of progress on an acceptable broadcasting law, in August the High Representative imposed a set of amendments to the RS broadcasting law. These amendments required Serb Radio Television (SRT) to change its name to Radio Television of Republika Srpska (RTRS). The High Representative required RTRS to comply with the country's broadcasting laws, regulations made by the IMC or its successor, and the laws of the RS. RTRS is required to provide timely, unbiased programming for all citizens of the RS. Finally, the OHR ordered that the RTRS Board of Governors was to consist of: "six members representing independent journalism, the legal profession, the economic sector, the academic community, the syndicate of the Republika Srpska, and the employees of the RTRS, taking into account the cultural and linguistic diversity of the citizens of the Republika Srpska." RTRS restructuring is still in process. For the most part, the RTRS now adheres to IMC standards, a dramatic improvement over previous years. On November 5, RS Prime Minister Milorad Dodik and his cabinet decided to remove RTRS director Andelko Kozomara for his alleged hard-line bias and named Slavisa Sabljic as acting director. However, only the RTRS Board of Governors, and not the RS Government, has the right to replace the General Director.

In April several associations of journalists from both entities agreed to an OHR-sponsored press code setting out the rights and responsibilities of journalists. The code includes articles prohibiting ethnic, gender or other discrimination and encouraging accurate and objective reporting.

In July the High Representative, citing the failure of the State and entity level Governments to ensure protection of journalists' freedom of expression, suspended "the applicability of imprisonment as a sanction under the provisions concerning libel and defamation." On September 2, the amendment decriminalizing slander and libel was published in the official gazette. There were no reports of journalists being tried for slander since the law was imposed by the OHR. The possibility of imprison-

ment for slander and libel was used to threaten journalists, and authorities apply slander laws selectively to punish opponents.

For example, in June the municipal court of Sarajevo sentenced the editor in chief of Slobodna Bosna, Senad Avdic, to 3 months in prison and 1 year suspended sentence on charges of slander against former Zenica-Doboj canton minister of the interior, Semsudin Mehmedovic. However, on August 20, Avdic was acquitted of one charge of slander against former mayor of Prijedor Sead Cirkin. Avdic faces a total of 12 charges of slander from various articles regarding corruption in the Federation.

Despite this case, OHR's July decision to impose a law restructuring the media, if fully implemented, was expected to decrease political influence in broadcasting, improve objectivity, and generally increase freedom of expression in Bosnia. To date, the relevant authorities have not yet fully implemented the restructuring. The PBS BiH and the RTV FBiH existed only on paper at year's end. However, the RTRS is broadcasting under its new name.

The international donor-supported television Open Broadcast Network (OBN) provides independent news and public affairs programming. The international community launched the OBN to be a cross-entity broadcaster and source of objective news. OBN can be seen by 80 percent of the population. The OBN still is working to improve its broadcast range. However, only a minority of viewers cite the OBN as their key source of news compared to TV BIH, the HRT, and the RTRS.

Other independent television outlets include TV Hayat, Studio 99, OBN Banja Luka affiliate Alternative TV (ATV), and Independent TV (NTV) also out of Banja Luka, and several small TV stations scattered around the country. These broadcasters were originally municipal stations. They have not yet been fully privatized, and their legal ownership status remains unclear.

In May the mayor of Zenica told the editor in chief of RTV Zenica that he would lose his job unless several other of the station's editors were dismissed. However, the situation was resolved after the editors sent a protest letter to the OHR and informed it of their situation.

In April the OHR endorsed the decision by the IMC to rescind the license of Kanal S, which is based in Pale. Observers noted the channels inflammatory broadcasting, prior to the IMC's decision. At year's end, Kanal S was back on the air after fully complying with all IMC demands.

In November the IMC ordered the private station Erotel TV to stop broadcasting. Mostar-based Erotel TV retransmits programs from state-run Croatian Television and was operating without a license for 2 years before the IMC's decision.

Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS—particularly in Banja Luka and Trebinje. Nezavisni Radio, Nezavisna Televizija, and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. Independent Studio 88 was launched in Mostar in July. The station will cover both sides of the ethnic divide, the first multi-ethnic broadcaster in Herzegovina.

After the announcement of the Brcko decision in March, angry crowds destroyed the offices of independent Radio Osvit.

In October the IMC ordered a 90-day closure of a Bosnian Croat radio station in Mostar after it broadcast incendiary calls for the city's Croat residents to take to the streets protesting SFOR raids on municipal offices which were undermining the Dayton Accords. As a result, some 200 students threw rocks and bottles at SFOR troops (see Section 1.c.).

While some foreign journalists who represent recognized media were able to travel freely to most areas of the country, others encountered difficulties. Local police and security officials in the RS and west Mostar harassed local and foreign journalists associated with opposition parties or minority ethnic groups.

Academic freedom was constrained. In the Federation, Serbs and Croats complained that SDA party members receive special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka limits its appointments to Serbs. All institutions suffer from a lack of resources and staff, as well as the legacy of the Communist period. The University of Mostar remains divided into eastern and western parts, reflecting the continued ethnic divide in the city. However, the East Mostar University, despite persisting reports of ethnic discrimination, has significant ethnic diversity in its student body and staff. The staff and student body of West Mostar University is much more homogenous, reflecting, as least in part, the desire of most Croats to work and study in a Croat-dominated area.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice. Opposition political parties enjoyed greater latitude in staging rallies and campaigning than they had during the 1996 national elections. However, there were still instances in which incumbents attempted to use their positions to hinder the activities of opposition parties.

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the state-owned sector of the economy.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in their religious majority areas. However, the efforts of individuals to worship in areas in which they are an ethnic/religious minority were restricted, sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries.

In July the Human Rights Chamber determined that the Government of the RS had denied the right of the Muslim community to freedom of religion by refusing to allow the reconstruction of mosques destroyed in the war. The Chamber specifically established that the Muslim community had property rights to 15 sites and that the community had the right to enclose the properties. According to the decision, the Government of the RS may not allow other construction on these sites and must issue any construction permits necessary to rebuild mosques on seven of the sites (see Section 4). However, there were reports that local authorities in the RS were obstructing attempts to rebuild mosques, particularly the Ferhadija Central Mosque in Banja Luka.

In a positive development, Muslims were able to celebrate Bajram, an important religious holiday, on January 19 in the mosque in Prozor-Rama for the first time since the war. About 200 Muslims attended the service without incident. The local Bosnian Croat police force provided security.

Catholic priests are able to hold Mass in the RS without incident. In the case of a large Mass, Catholic Church officials work with RS local officials to obtain necessary permits.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for "the right to liberty of movement and residence" and freedom of movement, including across the IEBL, continued to improve; however, some limits remained in practice. The IPTF and SFOR completed the dismantling of all permanent police checkpoints, greatly enhancing freedom of movement. However, for most minorities movement across the IEBL and into areas dominated by other ethnic groups remained somewhat limited and cautious in practice. The eastern RS remained under hard-line control and unwelcoming to a minority presence.

Freedom of movement improved significantly with the introduction of universal license plates in 1998. The new plates do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas. The U.N. Mission in Bosnia and Herzegovina (UNMIBH) reported that in the first week after the inauguration of the new plates, about 4,000 vehicles crossed the IEBL.

Statistics on refugee returns remained difficult to obtain. Between the end of the war and the end of the year, 350,000 persons who left the country had returned. More than 160,000 returned from Germany alone, due to the German Government's policy of actively pressuring refugees to return to Bosnia. Most of those returning from Europe were unable to return to their prewar homes. Efforts by hard-line Croats to resettle returning refugees to consolidate the results of ethnic cleansing have ceased for the most part. Although the return figures are much less exact for those returning from other places within the country, the UNHCR estimated that approximately 296,000 IDP's returned to their prewar homes between the end of the war and the end of the year. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns in 1999 was probably twice that of 1998.

The UNHCR "open cities" initiative, begun in 1997, linked economic assistance to cooperation on minority return (positive conditionality) and helped the UNHCR's effort to break down the influence of ethnic separatists.

Several factors prevented an even larger number of returns, including the hard-line obstruction of implementation of property legislation, political pressure to remain displaced in order to increase ethnic homogeneity of the population in a spe-

cific area, the lack of an ethnically neutral curriculum in public schools, and insecurity caused by the NATO campaign in Kosovo (see Section 5).

The February 1998 Sarajevo Declaration was intended to showcase Sarajevo as a model city in terms of tolerance. The declaration was to provide for improvements in areas that hindered return: Legislation, housing, security and public order, employment, and education, with a goal of 20,000 minority returns for the canton during 1998. The level of returns so far has been disappointing. By year's end, the UNHCR announced that nearly 20,000 minority returns had occurred in Sarajevo canton after nearly 2 years. Although the rate of evictions in Sarajevo was increasing at year's end, the processing of property claims and evictions was still very slow.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned and repaired by a Dutch company. Prewar residents continue to wait to return to these, while authorities encourage occupants to start the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. No returns have taken place to former JNA apartments. The military has attempted to evict legal occupants. In some cases the military prevented soldiers from being evicted, at times using force, and stopped prewar owners from reoccupying their apartments.

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and the eastern RS remained resistant to minority returns. Displaced persons living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence (see Sections 1.a. and 1.c.). The increased number of ethnically integrated police forces helped improve the climate for return, but security in general remained inadequate in many areas.

In May a group of Serbs in Kotor Varos blocked the road to prevent Bosniaks from returning to the town. Earlier the municipal assembly voted unanimously against the return of Bosniaks.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly. This presented a new burden for receiving municipalities. Younger minority group members, who depend on adequate wages from employment to support families, generally remained displaced, especially in cases where they had managed over the past 6 years to find work.

On April 14, the OHR cancelled the permanent occupancy rights of individuals who acquired apartments during and immediately following the war in both entities. These individuals can remain temporary occupants of their apartments only until the prewar occupant applies to return to that apartment. Previously, permanent occupancy rights blocked effectively the return of minorities who left during or immediately after the war, since they were granted to persons who occupied these "abandoned" residences.

In June the mayor of Berkovici in the RS unsuccessfully attempted to impede the return of 60 Bosniaks by declaring their return illegal. Local government officials continue to obstruct minority returns to Drvar. On July 3, the canton 10 interior minister instructed the local police to expel all returnees who failed to change their registration from their previous temporary residence to Drvar and failed to obtain identification cards within 10 days. The action was an attempt to harass returnees since authorities also hindered returnees' attempts to register. Residents without identification cards are not entitled to social benefits and their freedom of movement can be restricted. Expulsion also is illegal; the maximum legal penalty for failure to get an identification card is a fine. The OHR recommended that Serb returns to Drvar be slowed temporarily as a result of this incident.

Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 1.c.).

Officially, the Government grants asylum and refugee status in accordance with international standards. At times the Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. In October 1998, the Bosnian Council of Ministers issued an instruction on temporary admission of FRY refugees from the province of Kosovo. This entitled needy refugees from these areas to free accommodation, food, primary medical care, and education. In May after the NATO campaign began against the FRY, the Council of Ministers extended these protections to refugees arriving from all parts of the FRY.

Some 13,000 Kosovar Albanians entered the country in the 12 months before the NATO air campaign began on March 24. After March 24, 8,700 additional Kosovar

Albanians entered the country, along with 25,000 Muslims from the Sandzak region of Serbia. Additionally, about 35,000 other refugees from Serbia and the FRY entered the country after March, of whom the vast majority were Serbs formerly displaced from Croatia and Bosnia during the 1991–95 war. As of October 1, roughly 9,000 Kosovar Albanians, 11,000 Sandzakis, and 22,000 of these Serbs were estimated to remain in the country as refugees. The Kosovar Albanians and the Sandzakis are in the Federation and the Serbs are in the RS. Nearly all are in private accommodations.

UNHCR and OSCE monitors heard reports from refugees of numerous human rights violations perpetrated by RS police. These violations included harassment, beatings, and extortion of money (see Section 1.c.). Refugees also reported incidents of RS police confiscating and destroying refugees' documents. There were no reports of the forced return of persons to a place where they feared persecution.

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

Even though a permanent election law is not yet in place, the Dayton Accords commit the parties to "ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment" and to ensure the right to "vote in secret without fear or intimidation." These rights were respected in the national and entity elections in 1998, which were the most fair and pluralistic since the Dayton Accords were signed. Voter turnout was over 70 percent with over 83 political parties, independent candidates, coalitions, and alliances competing for office. The OSCE released a draft of the election law in December that would transfer responsibilities for running elections to the Government.

However, continued party control of the media and security apparatus precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS. To varying degrees, all major parties seek to exclude other parties in areas they control. This was especially true in areas controlled by the SDS or the HDZ. However, observers believe that recent changes to the media law in the RS and the new media law in the Federation may improve the situation somewhat (see Section 2.a.).

The 1998 elections were relatively free and fair, but resulted in the election of a hard-line SRS President, Nikola Poplasen. Poplasen refused to nominate a candidate for prime minister with sufficient support in the RS Assembly to form a government, including the candidate with the most support, current Prime Minister Milorad Dodik. This episode eventually sparked a confrontation with the High Representative in which Poplasen was removed from office on March 5. In announcing the dismissal, then High Representative Carlos Westendorp said that Poplasen had "acted against democratic principles and abused the authority of the Office of President by refusing to consult the parties and coalitions represented by the National Assembly in order to nominate the prime minister." Immediately after Poplasen's dismissal, Vice President Sarovic refused to take his place because Sarovic did not accept the legitimacy of the High Representative's decision. At year's end, Sarovic was attempting to assume the powers of the Presidency, but was told by the High Representative that this would not be permitted.

Implementation of the 1998 elections at the national and entity levels was far less difficult than implementation of municipal election results. The 1997 municipal election results were implemented in June when the Srebrenica municipal assembly met and approved a government. The government was certified by the OSCE.

Also on March 5, but unrelated to Poplasen's dismissal, Roberts B. Owen, arbitrator for the Brcko Arbitral Tribunal, announced a final award, whereby the entire prewar Brcko municipality was to become a "self-governing neutral district," which would belong to both entities. The award delegates to the district's internationally appointed supervisor the responsibility for deciding when the district would begin to govern itself under a new district statute. Until then the supervisor retained ultimate authority over the district. The final disposition of this region was a highly sensitive issue, since the region of Brcko connects the eastern and western sections of the RS. A democratically-elected, multiethnic local government is to administer the district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7, and a district-wide multiethnic police force was to be established officially in January 2000. Demilitarization of the Brcko district was underway and scheduled to be completed by the end of February 2000. On August 18, the Brcko Tribunal issued an annex to the final award, clarifying implementation of the award. In particular, it established the citizenship status of district residents and confirmed the right of transit by military forces of both entities. It also directed

the supervisor to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

Women generally were underrepresented in government and politics, although a few women, such as the former President of the RS, have occupied prominent positions. In the three legislatures, women were underrepresented seriously. To address this concern, the OSCE election rules required parties to include no fewer than 3 members of each gender among the top 10 names on their candidate lists. In the state-level House of Representatives (lower house), 12 of 42 deputies are women. There are no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures. In the Federation legislature, 21 of 140 deputies in the House of Representatives are women, and 7 of 72 deputies in the House of Peoples are women. In the RS unicameral legislature, 18 of 83 deputies are women.

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

The authorities generally permitted outside investigations of alleged human rights violations. International and local NGO's involved in human rights appear to operate somewhat freely. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

While monitors enjoyed relative freedom to investigate human rights abuses, they were rarely successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or outright refusal.

The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson, two institutions created under Annex 6 of the Dayton Accords, expanded during the year. Decisions of the Chamber are final and cannot be appealed to the Constitutional Court. During the year, the Chamber's caseload increased to 3,449 registered cases; and the Chamber issued 294 final case decisions. While governmental cooperation with the Chamber is still weak, there was noticeable improvement during the year. Both Federation and RS officials complied with several decisions, including reinstating returning residents to Yugoslav National Army apartments (JNA) and payment of compensation awards. These successes were the result of OHR cooperation in monitoring authorities' responses and coordinating intervention in cases in which the authorities failed to meet their obligations to cooperate.

Cooperation with the ICTY in The Hague is a key factor in the implementation of the Dayton Accords and the establishment of respect for human rights. In 1998 RS Prime Minister Dodik altered the RS policy of defiance of the Tribunal and the Dayton Accords by instructing his officials to cooperate with the ICTY. He also offered office space in Banja Luka to the ICTY. His actions helped to reduce the behind-the-scenes political influence of former wartime RS President Radovan Karadzic and his SDS allies. During the year, RS authorities facilitated the ICTY's investigation in Srebrenica. However, a majority of the 31 ICTY public indictees who remain at large reportedly live in the RS, some allegedly in Prijedor and Foca. RS authorities made no effort to arrest these indictees.

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

The parties agreed in the Dayton Accords to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority. Nevertheless, there were many cases of discrimination.

Women.—Accurate statistics on violence against women, including spousal abuse and rape, are not available. Throughout the country, rape and violent abuse are considered criminal offenses. However, domestic violence usually was not reported to the authorities, and a sense of shame reportedly prevents some victims of rape from coming forward to complain to authorities. There are laws that prohibit rape in both the Federation and the RS. Spousal rape and spousal abuse are also illegal in the Federation. There are no available estimates of the extent of violence against women.

Trafficking in women from the former Soviet Union for purposes of forced prostitution is a problem (see Section 6.f.).

It is illegal to run a brothel in Bosnia, but local police have focused primarily on women engaged in prostitution rather than procurers or those managing the broth-

els. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally treat prostitution as a minor misdemeanor regarding the woman involved, but employers and customers do not face charges. Women convicted of prostitution can be fined, imprisoned for 60 days, or deported. It is estimated that there are some 700 brothels in the RS and some 300 in the Federation, where some 15,000 prostitutes work. Police officials in Brcko have been removed from office for involvement in prostitution.

There is little legal or social discrimination against women, and women hold a few of the most responsible positions in society, serving as judges, doctors, and professors. However, a male-dominated society prevails in both entities, particularly in rural areas, with few women in positions of real economic power or political power.

Women have been discriminated against in the workplace in favor of demobilized soldiers. Anecdotal evidence indicates that women and men receive equal pay at socially owned enterprises but not necessarily at private businesses. Women are entitled to 12 months' maternity leave and to work no more than 4 hours per day until a child is 3 years old. However, women in all parts of the country encounter problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. The International Human Rights Law Group and local NGO's organized seminars and information campaigns to raise awareness of the issue, and the Tuzla cantonal assembly passed a resolution to pay women all maternity leave allowance debts since 1998. A woman with underage children cannot be forced to do shift work.

Children.—The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. The end of the fighting brought a major improvement in the human rights of children. During the war nearly 17,000 children were killed, 35,000 wounded, and over 1,800 permanently disabled.

Children suffer from an extreme paucity of social services. Disabled children lack sufficient care and educational opportunities. Education is compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of the education system. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school at all. Local education officials excuse these abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms.

In February the International Human Rights Law Group issued a report finding that segregation and discrimination were entrenched in Bosnian schools, particularly in religious education. For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the practical opportunity to study their own religious traditions in school. Since the beginning of the school year, ethnic divisions in schools have become more apparent. In an effort to block returns to the area, municipal officials in Capljina, Stolac, and Bugojno refused to allocate space in public schools to allow minority children to be taught under their own curriculum, in direct defiance of a directive of the High Representative. There is concern among the international community that this situation may further harden existing prejudices and ethnic hatreds.

There was no societal pattern of abuse against children. Nonetheless, they continue to suffer disproportionately from the societal stress of the postwar era. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People With Disabilities.—The Federation Government is required by law to assist disabled persons to find employment and to protect them against discrimination. In the RS discrimination against the disabled also is prohibited by law. Currently there are few jobs available, and thousands of newly disabled victims entered the job market after the war. The Government has limited resources to address the special needs of the disabled. There are no legal provisions mandating that buildings be made accessible to the physically disabled. There are a number of international NGO's that assist the disabled in the country.

Religious Minorities.—Religion and ethnicity are identified closely in the country. The Interreligion Council, established in 1997 and composed of the main leaders of the country's four major religious communities—Muslim, Serbian Orthodox, Roman Catholic, and Jewish—continued its efforts to promote national reconciliation. The OSCE and the OHR facilitated many interfaith meetings at the local level as well.

However, throughout the country, religious minorities felt pressure and were intimidated by the ethnic/religious majority.

Catholic priests have frequently been able to hold Mass in the RS without incident. In the case of a large Mass, Catholic officials work with RS local officials to

obtain necessary permits. On December 13, a group of young men attacked a group of Catholic priests led by Archbishop Vinko Cardinal Pulic on their way to celebrate Mass in Derventa. One member of Pulic's party was injured, but the service took place as planned. There was no known government involvement in this attack. A demonstration delaying Pulic's departure from the same church occurred in 1998.

None of the mosques in the RS destroyed during the war have been rebuilt or repaired, despite requests from the Muslim community for reconstruction (see Section 2.c.). Religious minorities throughout the country at times faced interference from the authorities in their right to worship freely. However, Catholic priests reported that they were able now to conduct masses in the RS with little or no problems.

National/Racial/Ethnic Minorities.—Claimed "ethnic differences" were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a "Greater Serbia" and a "Greater Croatia," mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. The SDS, HDZ, and to a lesser extent the primarily Bosniak SDA, sought to manipulate the movement of persons and the access to housing and social services that they control to ensure that the ethnic groups with which they are associated consolidate their position in their respective geographic regions. Some hardline local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced persons in their areas, so as to dissuade them from attempting to return to their former homes.

In December 1998, the RS passed new property legislation establishing a claims process at the municipal level. The law went into effect when it was published in the official gazette on February 10. On April 13, the High Representative imposed several amendments and indicated that more were needed to make the law effective. The High Representative also imposed a 6-month extension of the June 15 deadline to file claims on socially-owned apartments, and on December 10 issued a further extension of 4 months. The new deadline was set for April 19, 2000. In addition, the OHR issued on October 27 a series of decrees amending a number of property laws in both entities to provide all citizens just and equal protection of their property rights, which is considered essential in order for IDP's to return home.

Despite hopeful signs in some areas, harassment and discrimination against minorities continue throughout the country, often centering on property disputes. These problems include desecration of graves, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

According to the 1997 report of the Federation Human Rights Ombudsman, "Equality before the law is not observed in the everyday practice of state authorities that decide on the rights and obligations of the citizens."

Bosnian Serb and Croat politicians seek to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-liners also encourage members of their groups currently living in areas where they are minorities to move to areas where their ethnic group is the majority. For example, hard-line Bosnian Croats have discouraged Croat returns to central Bosnia and have actively recruited Croats still living there to resettle in Herzegovina. This effort sparked an open dispute among Bosnian Croats, and the Catholic Bishop of Banja Luka publicly criticized the practice.

Although the new RS Government is on record as supporting the right to return, it continues to obstruct returns at all levels. Bosniak authorities appear tacitly to support some Bosniak resettlement efforts, including resettlement of returnees, in "strategic" areas of the Federation where Bosniaks are in the minority.

In some cases, opponents of refugee returns employed violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. While incidents of violence have decreased due to improved security and freedom of movement, other forms of discrimination have not. In particular, discrimination in employment and education are now key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in many cases. Recently there have been more cases of employment discrimination based on political affiliation.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises. Membership was also influential in obtaining or keeping housing (see Section 2.b.).

Section 6. Worker Rights

a. *The Right of Association.*—The Federation and RS Constitutions provide for the right of workers to form and join labor unions. Both the Federation and the RS have

a union organization. There are informal links between the two unions, and there have been some very preliminary and initial steps towards merging the two under one banner. Workers in the RS or the Federation are not prohibited from joining the union in the entity where they are a minority. However, the membership in the RS is overwhelmingly Serb and the membership in the Federation is overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally are represented by the federation union.

Unions have the right to strike, but there were few strikes during the year because of the economic devastation and joblessness caused by the war throughout much of the Federation. However, on October 25, some 8,000 demonstrators attended a labor rally in Sarajevo to protest nonpayment of salaries and pensions in addition to other social issues. Some of the protest's organizers claimed that government officials and managers of state firms threatened workers with the loss of their jobs if they attended the rally.

Unions may affiliate internationally.

b. *The Right to Organize and Bargain Collectively.*—There was little collective bargaining in labor-management negotiations during the year. In both the RS and the Federation workers have the right to collective bargaining, and the law prohibits antiunion discrimination.

There were no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits servitude or forced labor, including that performed by children; however, women and girls were trafficked for the purpose of forced prostitution (see Section 6.f.). Despite rumors that work camps exist in isolated areas, investigations have not turned up any corroborating evidence.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children in the Federation and in the RS was 16 years. Children sometimes assisted their families with farm work and odd jobs. Children are covered under the Constitution's prohibition of servitude or forced labor, and such practices are not known to occur (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The minimum monthly wage in the Federation was $46 (80 KM). In the RS, the monthly minimum wage was $34 (60 KM). The minimum wages were insufficient to provide for a decent standard of living for a worker and family. Many workers still had claims outstanding for salaries earned during the war but were being paid in full only for current work. Similarly, many pensioners had outstanding claims.

There are no legal limits on the number of hours in the workweek. Overtime pay is not required by law.

In March the RS Government began paying most government salaries and pensions in convertible marks (KM). However, private employers continue to pay salaries in Yugoslav dinars. This allows employers to purchase dinars at the black market rate but pay employees at the much lower official rate, usually pocketing the difference. As a result, some workers in the RS suffer a significant reduction in their purchasing power.

Due to the high level of taxes levied on employers, many persons are forced to work outside the government benefits and tax system. The Government levies taxes equaling up to 80 percent of an employee's salary to pay for health and pension benefits. Unfortunately many employees do not receive these benefits even if their employers do contribute to their government plans.

Occupational safety and health regulations generally were ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards.

f. *Trafficking in Persons.*—There are no laws that specifically prohibit trafficking in persons, and trafficking in women from the former Soviet Union for the purpose of forced prostitution is a serious problem. The country is an origin, transit, and destination point for women and girls trafficked for the purpose of forced prostitution. A significant number of women are manipulated or coerced into situations in which they work in brothels in conditions close to slavery. The country is extremely vulnerable to trafficking in persons, since it has weak laws, border controls are almost nonexistant, and the police are easily bribed. As many as 9,000 trafficked women may be working in the country.

It is illegal to run a brothel, but local police have focused primarily on women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally treat prostitution as a minor misdemeanor against the woman involved, but employers and customers do not face charges. Women convicted of prostitution can be fined, imprisoned for 60 days, or deported. In the fall,

the OHR issued directives governing police raids on brothels to ensure that trafficked women found were provided assistance. The country's deportation laws permit local police to release trafficked individuals in neighboring jurisdictions or across the border in Croatia. Police in Bihac, Gradacac, and Tuzla have broken up trafficking rings in recent years and deported the women. In one case of deportation, after a cantonal court in Zenica in the Federation ordered the removal of six prostitutes from the canton, local police took them to Doboj in the RS. Reportedly they all later appeared for sale at the Arizona Market in Ravne Brcko. It is estimated that there are some 700 brothels in the RS and some 300 in the Federation, where some 15,000 prostitutes work. Brothel operators reportedly earn $50 (100 DM) per hour per woman; while in some cases women reportedly receive as little as $13 (25 DM) per month for personal expenses and are forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earn $100 (200 DM) per month. Police throughout the Federation have arrested and deported Russian and Ukrainian women working as prostitutes. Organized crime elements control the trafficking business. Police officials in Brcko have been removed from office for involvement in prostitution, and there are allegations that police officers in other cities also may be involved.

Women are trafficked to the country from other East European countries and countries of the former Soviet Union, including the countries of Central Asia. The majority of trafficked women come from Ukraine, but also from Romania, Moldova, Russia, Belarus, and Kazakhstan. The main route into the country for trafficked women was from the FRY. Some are brought in by traffickers specifically to work in the country's brothels. Others for a variety of reasons are stranded or abandoned by traffickers en route to other countries. Women trafficked to the country usually are promised jobs as secretaries, waitresses, or dancers in Western countries and wages of $1,500 (3,000 DM) per month. Some women often are trafficked to Croatia to work as prostitutes there or then trafficked to other countries. Others are sold to middlemen or to brothel operators in the country, often at the Arizona Market in Ravne Brcko. The price is usually $1,500 (3,000 DM) per woman, and women often are expected to repay their "owners" this amount out of their "share" of their earnings.

The Government has done little to combat the problem of trafficking. However, various international organizations and NGO's, both local and foreign, are addressing the issue. The Swedish NGO Kvinna Till Kvinna provides financial assistance to a shelter that houses trafficked women while they await return to their countries of origin. During the year, 50 trafficked women were repatriated from the country with NGO assistance.

The women received airline tickets home and $150 to assist them with reintegration into their home country. The returnees also are urged to contact the local Organization for International Migration offices in their home country for follow-up counseling. The IPTF works with local police forces to free trafficked persons and to crack down on traffickers. There were two arrests of traffickers to date, in Bijeljina and Brcko.

BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. President Petar Stoyanov of the Union of Democratic Forces (UDF) began a 5-year term of office in January 1997 following his election in late 1996. UDF leader Ivan Kostov currently serves as Prime Minister. The judiciary is independent but suffers from corruption and continues to struggle with structural and staffing problems.

Most internal security services are the responsibility of the Ministry of the Interior, including the Central Service for Combating Organized Crime, the National Security Service (civilian intelligence), internal security troops, border guards, and special forces. Although government control over the police is improving, it still is not sufficient to ensure full accountability. The Special Investigative Service (SIS), reduced in size by a recent reorganization, is a judicial branch agency and therefore not under direct government control. Some members of the police committed serious human rights abuses.

The post-Communist transition economy continued to be heavily dependent on state enterprises, many of them unprofitable, although the growing private sector now accounts for over 60 percent of economic activity. Most persons are employed in the industrial and service sectors; key industries include food processing, chemical and oil processing, metallurgy, and energy. Principal exports are agricultural

products, cigarettes and tobacco, chemicals, and metal products. Following a severe financial, economic, and political crisis in 1996 and early 1997, a reformist government introduced a successful macroeconomic stabilization program. The program quickly stabilized the economy and cut the triple digit inflation of 1996–97 to less than 1 percent in 1998. Inflation grew to 6.2 percent in 1999. The economy grew by 3.5 percent in 1998 and by 2.5 percent in 1999. The Government has placed a great deal of emphasis on attracting foreign investment and has promised far-reaching structural reforms, although the privatization process has not moved forward as quickly as hoped. The annual per capita gross domestic product of $1,500 provides a relatively low standard of living.

The Government generally respected the human rights of its citizens; however, problems remained in some areas, while there were improvements in a few others. Police used questionable lethal force against five suspects. Security forces beat suspects and inmates and often arbitrarily arrested and detained persons. Reforms designed to increase accountability have improved the Government's control over the security forces; however, its control remains incomplete. Problems of accountability persist and inhibit government attempts to end police abuses. Conditions in some prisons were harsh, and pretrial detention often is prolonged, although this situation improved somewhat during the year. The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption is a serious problem. The Government infringed on citizens' privacy rights. There were reports of police abuse of journalists. Constitutional restrictions on political parties formed on ethnic, racial, or religious lines effectively limit participation for some groups. Police, local government authorities, and private citizens continued to obstruct the activities of some nontraditional religious groups, although there was some improvement in their treatment by central government authorities. Violence and discrimination against women remained serious problems. Discrimination against the disabled and religious minorities is a problem. Discrimination and societal violence against Roma were serious problems, resulting in two deaths. Because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Romani children. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Child labor was a problem. Trafficking in women and girls is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, in five cases, police officers used questionable lethal force against citizens, one of whom was a member of the Romani minority. There was one report of a death in custody.

The Ministry of Interior Act regarding the use of firearms by law enforcement officials permits them to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes are only minor. Law enforcement officers also may use firearms to stop the escape of a person who has been arrested for any crime.

On January 29, Tencho Vasev was shot and killed by border police near Novo Selo while trying to cross the Bulgarian-Greek border illegally. An investigation into the case was completed on May 28. On June 14, the Military Prosecutor's office prepared an indictment against the officer responsible for the shooting. The case was ongoing at year's end.

On May 13, Nikolai Filipov was shot and killed by police officers during an attempted car theft near Pravets. Filipov died from a gunshot wound to the head. The use of lethal force in this instance was ruled legal self defense by the Military Prosecutor's office after an investigation.

On June 6, a 28-year-old criminal suspect, Gancho Vuchkov, was shot and killed while trying to escape police in Sofia. Police were carrying out a warrant for Vuchkov's arrest in connection with a series of car thefts. Following a car chase and an exchange of gunfire with police, Vuchkov was shot in the temple. A relative of Vuchkov who reportedly arrived on the scene soon after the shooting and saw the body, alleges that Vuchkov was killed after police apprehended him and not while in pursuit. The case was under investigation at year's end.

On June 14, Oleg Georgiev was shot and killed by border police during an attempt to cross the border near the town of Kulata in the southwest.

On September 21, Kostadin Sherbetov was found dead in his cell in a district police station in Sofia. Earlier that day, guards from a private security firm that protects schools in Sofia detained Sherbetov on suspicion of pedophilia and turned him over to police. An ambulance was called to the police station, and doctors estab-

lished that Sherbetov had died. According to his forensic medical certificate, he suffered from several broken ribs and numerous bruises. The chief secretary of the Ministry of Interior admitted that Sherbetov was a victim of violence but contended that the policemen and guards deny any involvement in the abuse. The Military Prosecutor's Office launched a preliminary investigation into four police officers.

The investigation into the 1998 shooting death case of Tsvetan Kovatchev was reopened in June after legal wrangling resulted in a repeal of the Military Prosecution's initial ruling in January that the use of force was justified.

In July charges were brought against the police officer involved in the 1998 fatal shooting of Yordan Yankov. The police officer was sentenced to a term of 15 years in prison and fined approximately $6,000 (Lev 11,000) to be paid to Yankov's family. An appeal to reduce the sentence is likely.

The 1998 case of Staniela Bugova was on appeal following sentencing in the fall of the police officer involved in the shooting to 2½ years. The sentence was upheld in one appeal; this was the last opportunity for appeal in the case.

There were no further developments in the 1997 beating death case of Mincho Simeonov Surtmachev. The case was still under appeal at year's end. Pending appeal, the two police officers involved remain in custody serving sentences of 7 years and 4 years. The case also resulted in the firing of the chief of the Dobrech police precinct.

Two 1997 cases were dismissed. The Military Prosecutor's office dismissed the Georgi Biandov case in 1998 and ruled that police acted within their authority. The 1997 death of Elin Karamanov also was dismissed by the Military Prosecutor's office in June 1997, and the dismissal was confirmed on review by the Chief Military Prosecutor in September 1997 on the grounds that the use of lethal force was legal.

The Military Prosecutor's office sentenced in February 1998 the police officer involved in the 1997 death-in-custody case of Stefan Stanev to 2½ years. The case is pending appeal.

The 1996 murder case of former Prime Minister Andrei Lukanov remains unsolved. The investigation was ongoing at year's end, with several suspects arrested and released during the year. On June 1, authorities arrested Yurii Lenev in connection with the murder of Lukanov and reportedly beat him before he was taken to the SIS detention facility. Lenev's family members reported that when they were permitted to see him finally on June 12, his bruises from the beating still were visible. The Military Prosecutor's Office opened an investigation into this case, but no progress was made by year's end. Angel Vasiliev was extradited from the Czech Republic in September. According to press reports, Vasiliev is suspected of having paid $100,000 for the murder of Lukanov. Before his death, Lukanov criticized the Socialist Party's special treatment of the Orion group, to which Vasiliev's construction company belongs and which is suspected of misappropriating funds from several banks.

There were two instances of members of the Romani ethnic minority being killed by private citizens. An incident of racial violence resulted in the beating death of a Romani woman at the hands of teenage boys. In another incident, a trespassing Romani boy was shot by a private citizen (see Section 5).

The 1996 case of Anguel Zabchikov, a 17-year-old Romani boy who died in police custody, was still ongoing at year's end, pending a hearing before the European Court of Human Rights in Strasbourg.

In February four policemen were convicted of murdering an ethnic Turk during a protest against the forced assimilation campaign in May 1989; the highest sentence meted out was 2½ years.

There was no progress in the trial concerning the notorious death camps set up by the Communists after they took power in 1944.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution expressly prohibits torture and cruel, inhuman, or degrading treatment; however, despite this prohibition, police commonly beat criminal suspects and members of minorities, at times to extract false testimony. In particular, security forces physically abuse street children, the majority of whom are Roma.

The Human Rights Project (HRP) reported that on January 17, a police officer in Pleven harassed and beat Stefka Madjarova. After ordering her to leave the market where she was selling her goods, the police officer demanded her identification. He then ordered Madjarova to follow him to a police station at the market where she was beaten with a club. Madjarova was struck on the legs and has forensic evidence (a medical certificate) for the injuries that she sustained. There were three witnesses on the scene. A complaint has been filed with the Regional Military Prosecutor's Office in Pleven.

In January two policemen beat Rom Kiril Nikolov Spasov from Russe and forced him to give false testimony.

On July 22, police officers in Pavlinkeni reportedly beat two Roma, Atanas Assenov and Assen Assenov, who had been detained and left a third Rom, Anton Assenov, who had been shot earlier by a private security guard without medical attention for several hours. The private security guard accused the Roma and their companions of stealing fruit and reportedly shot at them when they tried to escape, wounding one Rom in the back of his head. When police arrived and called an ambulance, the emergency medical technicians reportedly refused to treat him. The police officers detained the Roma and took them to the Pavlinkeni regional police department, where they reportedly beat Atanas and Assen. Anton reportedly was left outside the police department in a horse cart for several hours, after which the police called another ambulance, and he received medical treatment. The Roma filed complaints against the police officers and security guard involved. The Military Prosecutor's office on November 16 declined to initiate a criminal proceeding on the matter.

On September 8, three police officers beat a Romani woman, Tanya Borissova, outside of the labor bureau in Pazardzhik. A large number of Roma had assembled outside the bureau to obtain information about jobs. Three police officers beat Borissova after claiming that she had pushed one of them. They arrested her, and that same day the Pazardzhik district court sentenced her to 5 days in custody for "minor hooliganism."

On October 2, a police officer in a police car approached a group of five Roma—Lilyan Zanev, Spas Berkov, Nedyalko Zanev, Simeon Zanev, and Roumyana Berkova—gathered on the outskirts of Pleven and questioned them. Another police car with two officers joined the first, and the three beat the five Roma with truncheons for approximately 30 minutes and told the Roma that they suspected them of intending to rob nearby homes. One Rom obtained a medical certificate documenting his injuries and filed a complaint with the regional military prosecutor's office in Pleven.

In July authorities arrested parliamentary deputy Tsvetelin Kanchev of the Euroleft Party for kidnaping, beating, robbing, and blackmailing persons in his district of Zlatiza. His trial began in November, and several persons who were involved in the beatings were set to testify.

In March the Military Prosecutor's office closed the investigation into the 1998 mass police raid of a Romani neighborhood in the village of Mechka, citing the impossibility of positively identifying the individuals involved. The March 1998 case of Rossen Alekov who reportedly was beaten by police was closed in June 1998, when the Military Prosecutor's office declined to initiate a criminal investigation.

There were reports of police abuse of journalists (see Section 2.a.).

According to Ministry of Interior (MOI) data, 40 cases of police brutality were confirmed for the period January 1 to July 22. The police generally have refused to make investigative reports available to the public. The MOI statistics reflect only those complaints registered by the alleged victims. Human rights monitors report that they receive many more complaints from persons who are too intimidated to lodge an official complaint with the authorities.

Reports continue that criminal suspects in police custody run a significant risk of being mistreated. The Bulgarian Helsinki Committee (BHC) conducted a survey in prisons in January and found that 51 percent of interviewed prisoners reported that police officers used physical force against them during arrest; 53 percent reported mistreatment at police stations. Romani prisoners reported being abused more frequently than other prisoners. Very seldom are allegations of police abuse properly investigated nor are the offending officers consistently punished. In particular, the Military Prosecutor's office has not investigated incidents of alleged police abuse thoroughly or expeditiously. In a shift from previous years, human rights observers were granted access to SIS detention facilities for the first time in February. Observers still are prohibited from interviewing detainees in the SIS facilities, unlike in regular prisons.

Crime and corruption remained primary concerns of the Government during the year. The criminal justice system is in a time of transition. New legislation was enacted in late 1998 intended to improve and streamline the criminal justice process, which has long been an acknowledged problem. The new law, whose provisions all were to be enacted by January 1, 2000, was to reorganize and reallocate authorities among police, the SIS, prosecutors, and judges, and devolve greater authority to regional authorities. The full details of the plan's implementation and its effectiveness in achieving real reform remain to be seen.

There have been unconfirmed reports of local or police involvement in trafficking in persons (see Section 6.f.).

Conditions in some prisons are harsh and include severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. The SIS's parallel network of jails and prisons, newly transferred as of December to Justice Ministry control under recent legislative changes, contains many of the harshest detention facilities. Credible sources reported numerous cases of brutality committed by prison guards against inmates. However, there were no more reports during the year of prisoners being placed in solitary confinement after complaining about their treatment. The BHC reports that the Government has taken vigorous and effective action to combat the tuberculosis outbreak reported last year, much reducing this problem. Justice Ministry information for 1999 indicates a 40 percent decrease in tuberculosis infections from 1998 figures. The BHC further reports that nutritional deficiencies which had exacerbated this problem also have been improved. The process by which prisoners may complain of substandard conditions or of mistreatment does not appear to function effectively.

The Government cooperated with requests by independent observers to monitor conditions in prisons and detention facilities. The European Committee for the Prevention of Torture (CPT) inspected a number of prisons and detention facilities during the year. Human rights observers reported that several of the country's worst detention facilities were closed down by the Government prior to the CPT visit and remain closed.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution provides for protection against arbitrary arrest and detention; however, police often arbitrarily detain and arrest street children, the majority of whom are Roma.

The Constitution provides for access to legal counsel from the time of detention. However, a survey of prisoners conducted by the BHC found that 54 percent of prisoners complained that they had no lawyer present during preliminary investigations. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; otherwise, in emergency circumstances police may detain individuals for up to 24 hours on their own authority; however, authorities must rule on the legality of such detention by the end of that time period. If the person is released without being charged before the 24-hour period elapses, there is no judicial involvement in the case. Human rights observers charge that police commonly handle minor offenses by arresting the suspect, beating him, and releasing him within the 24-hour period. Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Charges may not be made public without the permission of the Prosecutor General. In the interests of a speedy trial, investigations now are prescribed by law to last no more than 2 months under normal circumstances, although this period may be extended to 6 months by the head regional prosecutor, and up to 9 months by the Prosecutor General. In practice, persons often have been detained for 1 to 2 years without a conviction. It is not unusual for cases to be returned by the prosecutors or judges for further investigation. This generally restarts the clock, although some recent court interpretations have directed that the time limits should apply cumulatively to all the investigation periods on a given case. Under the terms of a 1997 amendment to the Code of Criminal Procedure, pretrial detention can last no more than 1 year or, if the alleged offense is punishable by over 15 years' imprisonment, life imprisonment, or capital punishment, no more than 2 years. Spurred by the new law and by decisions of the European Court of Human Rights, the Government starting in August for the first time released a number of pretrial detainees whose detentions had exceeded the limit and announced its intention to abide by these limits from that point on. Typically if a judge returns a case to the prosecutors for further work, the clock is restarted on the time limit, although this process has not been tested yet thoroughly in the courts.

Data confirm that the Government made progress in reducing the number of pretrial detainees during the year. According to the Ministry of Justice, as of June 30, 646 inmates were in pretrial detention, which represents a 35 percent drop from 993 in mid-1998. The number of persons on trial as of that date was 1,616—an almost 18 percent drop from 1,960 in 1998. (Defendants are categorized as "on trial" after their cases have been sent first to a trial judge, even though the judge may have sent the case back to the prosecutors and SIS for further investigation.) As of June 30, there were 8,669 convicted prisoners in the prison system. Thus the total inmate population in the prison system was 10,931. These figures do not include persons incarcerated in the separate SIS detention facilities, for which current data have not been made available. As of June 30, 1998, the SIS had 3,257 detainees, of whom 842 were in pretrial detention.

In the event of a conviction, the time spent in pretrial detention is credited toward the sentence. The Constitution provides for bail, and some detainees have been released under this provision, although bail is not used widely.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—Under the Constitution, the judiciary is granted independent and coequal status with the legislature and executive branch; however, the judiciary continues to struggle with problems such as low salaries, understaffing, antiquated procedures, corruption, and a heavy backlog of cases. Partly as a legacy of communism and partly because of the court system's structural and personnel problems, many citizens have little confidence in the judicial system. Human rights groups complain that local prosecutors and magistrates sometimes fail to pursue vigorously crimes committed against minorities. Many observers believe that reforms are essential to establish a fair and impartial, as well as efficient, judicial system.

The court system consists of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. The Constitutional Court, which is separate from the rest of the court system, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. Military courts handle cases involving military personnel (including police personnel) and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice.

Local observers contend that organized crime influences the prosecutor's office. Few organized crime figures have been prosecuted to date, but in 1997 the Government made the battle against organized crime a priority and reformed the Penal Code to that end. The Ministry of Interior has requested and received assistance from Western countries in its efforts to close legal loopholes and strengthen enforcement capabilities against criminal economic groupings engaged in racketeering and other illegal activities.

In December 1998, a reformulated Supreme Judicial Council overturned its predecessor's appointment of a new Prosecutor General in a controversial move that nonetheless was approved by the Constitutional Court. It then named a new Prosecutor General, who has moved to strengthen the prosecutor's office with a view toward increasing the country's low prosecution rate.

A draft law on a new criminal procedure code was passed by the National Assembly in the fall of 1998. The aim of the new law is to reform the judiciary and remove the more cumbersome aspects of its functioning, such as the long delays created by the referral of cases back and forth between different offices. It also increases executive branch oversight of judges and prosecutors. All of the provisions of the new law are to become effective by January 1, 2000. Under the new procedure, the role of the SIS was curtailed, and most investigators were assigned to work directly for local prosecutors, while the National Police Service also is to take a larger role in investigations. However, before this system can become effective, the Government must assure that magistrates, and especially investigators, receive the appropriate training—a need of which senior officials are acutely aware.

Despite recommending its own dissolution in December 1998 when it announced that Bulgaria had made sufficient progress in democracy and human right to no longer require monitoring, the Observation Committee of the Parliamentary Assembly of the Council of Europe nonetheless restated its concerns about inadequate safeguards for the independence of the judiciary in the country.

Judges are appointed by the 25-member Supreme Judicial Council and, after serving for 3 years, may not be removed except under limited, specified circumstances. The difficulty and rarity of replacing judges virtually regardless of performance often has been cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court are chosen for 9-year terms as follows: One-third are elected by the National Assembly, one-third appointed by the President, and one-third elected by judicial authorities.

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets. There were no reported complaints about limited access to courtroom proceedings. Defendants have the right to know the charges against them and are given ample time to prepare a defense. The right of appeal is provided for and is used widely. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney, provided by the state if necessary in serious cases.

Human rights observers consider "Educational Boarding Schools" (formerly known as "Labor Education Schools") to which problem children can be sent as little different from penal institutions. However, since the schools are not considered prisons under the law, the procedures by which children are confined in these schools are not subject to minimal due process. Human rights observer groups such as the Bulgarian Lawyers for Human Rights criticize this denial of due process. Children

sometimes appear alone despite the requirement that parents must attend hearings; the right to an attorney at the hearing is prohibited expressly by law. Decisions in these cases are not subject to judicial review, and children typically stay in the Educational Boarding Schools for 3 years or until they reach majority age, whichever occurs first. In late 1996, the Parliament enacted legislation that provided for court review of sentencing to such schools, set a limit of a 3-year stay, and addressed other problems in these institutions (see Section 5). Some observers dismiss this court review provision as a formality, since the child is not present to speak on his or her own behalf (nor is the defense lawyer or the child's parents).

There was no progress in a case begun in 1993 relating to the forced assimilation and expulsion of ethnic Turks in 1984–85 and 1989.

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, the right to choose one's place of work and residence, and the freedom and confidentiality of correspondence, and government authorities generally respect these provisions.

One nongovernmental organization (NGO) complained that the Minister of Interior's discretionary authority to authorize telephone wiretaps without judicial review is excessive, although it is unknown to what extent this authority is employed. It is also alleged that warrants to investigate suspects' private financial records sometimes are abused to give police broad and openended authority to engage in far-ranging investigations of a suspect's family and associates. There are regular, albeit not conclusive or systematic, reports of mail, especially foreign mail, being delayed and/or opened.

Traffickers in persons use threats against women's families and family reputations to ensure obedience (see Section 6.f.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The Electronic Media Bill was adopted by the National Assembly in October 1998. In November 1998, President Stoyanov vetoed the bill because of provisions concerning the structure of the National Council on Radio and Television, the ban on airing commercial advertisements during prime time, minority language programming, and the funding of Bulgarian National Television (BNT) and Bulgarian National Radio (BNR). The National Assembly accepted all of the revisions forwarded by the President with the exception of the proposed lifting of the ban on primetime advertising. In June the Constitutional Court considered a motion from opposition Members of Parliament (M.P.'s) concerning the constitutionality of 60 provisions of the bill and found all of them to be constitutional except the one concerning the means of collecting television fees. The M.P.'s complained that the National Council for Radio and Television, a quasi-governmental body that governs national media and regulates private broadcasters, was too vulnerable to political manipulation by the ruling party of the day.

Among media professionals and the broader public, the belief persists that the Government exerts an unduly large influence on the media though official channels, i.e., the Radio and Television Council, and unofficially by influencing advertisers not to use media outlets that are too critical of government policy or officials. While such claims are widely made and believed, little hard evidence exists to document concrete examples of government intimidation of editors or their broadcasters.

A variety of newspapers are published freely by political parties and other organizations representing the full spectrum of political opinion. Journalists frequently color their reports to conform with the views of the political parties or economic groups that own their respective newspapers. However, the leading opposition newspaper Douma was forced to suspend publication on June 18 because it was unable to pay the more than $100,000 (Lev 180,000) it owed the State Printing House. Publication resumed on July 22, after a new investor bought a 51 percent stake in the newspaper. While the leader of the Bulgarian Socialist Party, which sponsors the newspaper, believed that the printing house's action against the newspaper was politically motivated, the new majority owner declared that the newspaper's suspension had been strictly an economic problem.

There were repeated reports of police abuse of journalists. In July Darin Kirkov took photographs of Varna municipal workers tearing down illegal buildings, and police officers destroyed Kirkov's film. Interior Minister Bogomil Bonev swiftly responded to the incident with an order specifically banning police violence against journalists. On June 28, unidentified assailants stabbed and beat Aleksei Lazarov who works for the independent weekly Kapital; however, they did not rob Lazarov. Lazarov suffered a broken leg and multiple knife wounds. The Bulgarian National

Combat Service Against Organized Crime opened an investigation into the incident, but there was no progress in the case at year's end. On July 7, unidentified assailants attacked Svetla Asenova, a layout editor for the Computer World weekly. Asenova was beaten and robbed, and as a result hospitalized with a skull fracture. According to the NGO Human Rights Watch, at least 11 violent attacks were carried out against media representatives in 1998, including physical assaults and bombings of newspaper offices. Attempts to intimidate journalists investigating corruption were thought to be the motivation for the attacks.

Libel is punishable under the Criminal Code. In July Parliament passed an amendment to the Penal Code changing the punishment for libel from imprisonment to the imposition of a fine of up to about $16,200 (Lev 30,000)—a heavy fine in the Bulgarian context. A convicted journalist failing to pay the fine would then face imprisonment. It is the firm conviction of several human rights organizations, as well as the majority of the journalist community, that prosecutors use their authority to curb free expression in the press, particularly when such expression is critical of prosecutors. In recent years this law has been used sparingly, but there have been two cases in the last 3 years in which reporters have been convicted of libel and sentenced to prison terms or large fines. In January the outgoing Prosecutor General Ivan Tatarchev initiated a criminal investigation of Tatiana Vaksberg of Radio Free Europe for "insulting state authority" and offending Tatarchev's "honor and dignity," after she broadcast a commentary critical of Tatarchev. Charges were filed against Tatarchev, and the case was still pending at year's end. The Parliamentary Assembly of the Council of Europe Observation Committee visited the country in 1998 and expressed continuing concern that media independence still remained at risk and disappointment that libel and slander remained criminal offenses. However, the Committee also was abolished on its own recommendation based on the country's progress towards achieving human rights standards.

Only the two state-owned national television channels have nationwide coverage. In July the Government initiated procedures to license a private national television station. Should this occur, the private station will be in direct competition with the remaining state television entity (to be renamed Public Television). To date, plans for BNT to broadcast in Turkish have not been implemented. However, local affiliates of BNR have been broadcasting limited programming in Turkish in areas where there are sizable Turkish-speaking populations.

Television and radio news programs on the state-owned media present opposition views, but opposition members claim that their activities and views are given less broadcast time and exposure than the those of the ruling party. There are no formal restrictions on programming. Both television and radio provide a variety of news and public interest programming.

There are more than 30 independent radio stations (both local and regional). The licensing procedure for both commercial and public radio and television operators started in 1998, but the process has seen chronic delays. As a result, all private electronic media are operating currently without a license. Owners of private radio stations have expressed concern that the authorities intentionally were delaying the process in order to exert censorship leverage prior to the October local elections. Some private radio stations still complain that the strength of their transmission is restricted unduly, with the result that they cannot compete fully with national (state-owned) radio. All transmission facilities are owned by the central Government.

Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, Radio Free Europe, and the Voice of America have good access to commercial radio frequencies.

Private book publishing remained unhindered by political considerations.

The Government respects academic freedom.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly, and the Government generally respected this right in practice. The authorities require permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to assemble. Vigorous political rallies and demonstrations were a common occurrence and generally took place without government interference.

The Government has undertaken to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, there are constitutional and statutory restrictions that limit the right of association and meaningful participation in the political process. For example, the Constitution forbids the formation of political parties along religious, ethnic, or racial lines and prohibits "citizens' associations" from engaging in political activity. This provision is designed to prevent the development of parties based on a single ethnic or other group that could prove divisive for national unity by stirring up ethnic ten-

sion for political purposes. Nonetheless, the mainly ethnic Turkish Movement for Rights and Freedoms (MRF) is represented in Parliament. The other major political parties generally accept the MRF's right to participate in the political process. In August the Supreme Administrative Court ruled that the Ilinden-Pirin United Macedonian Organization (OMO)—an ethnic-Macedonian organization—be registered to participate as a political party in municipal elections in October. The Court overruled the decision of the Central Commission for Local Elections, which failed to register the group on August 25. The decision of the Supreme Administrative Court was final and could not be appealed. On February 12, a Sofia municipal court first registered the group. In March a group of 61 M.P.'s petitioned the Constitutional Court to rule on the constitutionality of the group's registration. The Court declined to rule on the case before the October local elections.

The Constitution also prohibits organizations that threaten the country's territorial integrity or unity, or that incite racial, ethnic, or religious hatred. The Government has refused since 1990 to register a self-proclaimed Macedonian rights group, OMO-Ilinden (not the same organization as the similarly named Ilinden-Pirin OMO noted above), on the grounds that it is separatist. There were no reports of any prosecutions for simple membership in this group.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government restricts this right in practice for some non-Orthodox religious groups. The legal requirement that groups whose activities have a religious element register with the Council of Ministers remained an obstacle to the activity of some religious groups, such as the Unification Church and the Church of the Nazarene (which has tried repeatedly to register for more than 5 years), prior to or in the absence of registration. Furthermore several municipal governments established local registration requirements for religious groups, despite the lack of clear legal authority to do so. In some cases, local authorities used the lack of registration as a pretext for interference against some groups and employed arbitrary harassment tactics against others. In 1998 the ability of a small number of religious groups to conduct services freely came under attack, both as a result of action by local government authorities and because of public intolerance. Such reports subsided during the year.

Jehovah's Witnesses finally received central government registration in October 1998, after a lengthy delay. A member of Jehovah's Witnesses who refused to serve in the military was sentenced to a prison term in 1998 and was imprisoned from December 1998 until March 1999. He was released due to a presidential pardon. A new law providing for a civilian alternative to military conscription went into effect on January 1. However, the alternative civilian service requires double the time commitment of military service. According to Human Rights Watch, police also have arrested children and adult members of Jehovah's Witnesses for distributing religious tracts, and detained other members of Jehovah's Witnesses for proselytizing.

Some observers note with concern a tendency by certain municipalities to enact regulations that may be used to limit religious freedoms if a perceived need arises. For example, a regulation passed by Sofia municipality in February forbids references to miracles and healing during religious services, a provision that many fear may be employed as a pretext to ban or interrupt services by charismatic evangelical groups. The regulation cites a Communist-era law dating from 1949, which is technically still in effect and which forbids foreigners from proselytizing and administering religious services in the country. The decree, although subsequently modified in response to NGO objections, is still criticized by religious rights groups as containing provisions that are either discriminatory or ambiguous and open to abuse. Other municipalities have enacted similar regulations. In January the city council in Burgas refused to register the local branch of Jehovah's Witnesses, despite the fact that they were registered by the central Government. The council asked the group to prove that they had not been banned in any European Union country in order to be registered. The 1949 law also has been criticized in its own right as an outmoded potential impediment to free religious activity. However, despite the law's continued technical validity, foreign missionaries can and do receive permission to proselytize in the country, and many have noted a marked improvement in both governmental and societal attitudes since the start of 1998. A new law on religious activity currently is being drafted but has not yet been moved to the floor of the National Assembly for a vote.

In June the city of Plovdiv fined an Austrian citizen about $300 (Lev 500) for proselytizing on behalf of Jehovah's Witnesses, on the grounds that the Church was not registered with the city. However, many observers dispute the legal authority of municipal governments to require local registration.

Members of the Church of Jesus Christ of Latter-Day Saints (Mormons) reported several incidents of harassment by police and by local authorities, with police inter-

rupting services to demand passports and registration documents for the Church and its members. For example, in July police officers in Stara Zagora interrupted a Mormon religious service and demanded to see the identification documents of those who were present. The officers claimed that the Church's registration was out of date. Mormon missionaries reported several incidents of police harassment.

There were instances of police interference with religious groups' worship services and of their "streetboarding" efforts (in which the groups erect a signboard and invite passersby to learn more about the denomination's precepts).

On May 21 in Plovdiv, police interrupted the streetboarding activities of missionaries of the Church of Jesus Christ of Latter-Day Saints (LDS Church), claiming that the Church must have registered with the municipal government to operate in the city, although there is no legal basis for such a requirement.

On July 11 in Stara Zagora, three police officers interrupted a service of the LDS Church by demanding that church officials and parishioners present their identification documents.

On July 15 in Burgas, several LDS missionaries again were interrupted in their streetboarding activities by several police officers, citing unspecified laws against it. Police confiscated the signboard.

In March a schoolteacher in Gabrovo who is a member of a Pentecostal church resigned from her job. She claimed that she was intimidated into resigning as a result of her religious beliefs. Her lawsuit against the school currently is pending.

The Constitution designates Eastern Orthodox Christianity as the "traditional" religion. The Government provides financial support for the Bulgarian Orthodox Church and other denominations it considers to be "traditional." Along with the Orthodox Church, the Muslim, Catholic, and Jewish minority religious communities generally are perceived as maintaining a long-standing place in Bulgarian society and hence benefit from a relatively high degree of tolerance, as well as some government financial support.

For most registered religious groups there were no restrictions on attendance at religious services or on private religious instruction. A school for imams, a Muslim cultural center, university-level theological faculties, and religious primary schools operated freely. In December the Ministry of Education announced that schools would begin offering classes on Islam in 2000 in regions with a significant Muslim minority. Since 1997, religious classes on the Bible have been available to students whose parents approve such instruction. Bibles and other religious materials in the Bulgarian language were imported freely and printed on most occasions, and Muslim, Catholic, and Jewish publications were published on a regular basis.

Although previously during compulsory military service most Muslim conscripts were placed in construction units rather than serving in combat-role military units, late in the year the Government ended this practice and abolished such construction battalions (see Section 5).

There were no indications that the Government discriminated against members of any religious group in making restitution to previous owners of properties that were nationalized during the Communist regime. The Government in general has supported actively property restitution for the legally recognized organization representing the Jewish community, although the return of two lucrative commercial Jewish communal properties continues to encounter administrative obstacles and legal challenges.

At the Department of Theology of Sofia University, all students are required to present a certificate of baptism from the Orthodox Church, and married couples must present a marriage certificate from the Church in order to enroll in the Department's classes. It remains impossible for non-Orthodox applicants to be admitted to the Department of Theology.

The Government refused to recognize an alternative Patriarch elected by supporters in 1996, and the schism that opened in the Orthodox Church in 1992 continued, despite the death of this alternative Patriarch in April. The Government nevertheless encouraged the feuding factions to heal their prolonged rift. By year's end, these efforts had not met with success.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement within the country and the right to leave it, and these rights are not limited in practice, with the exception of border zones where access is limited for nonresidents (the border zones extend 1.2 to 3 miles inward from each border). Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth.

The Government grants 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. The Law on Refugees, which went into effect August 1, regulates the pro-

cedure for granting refugee status as well as the rights and obligations of refugees. The Agency for Refugees, formerly the National Bureau for Territorial Asylum and Refugees, is charged with following this procedure and cooperating with the U.N. High Commission for Refugees (UNHCR).

The Government provides first asylum. However, during the Kosovo crisis, the Government's definition of first asylum became very narrow. Although the Government initially expressed its willingness to temporarily shelter 5,000 Kosovar refugees, it soon proved reluctant to accept more than the approximately 200 Kosovar Albanians who had arrived by mid-April. Citing economic difficulties, the desire to avoid ethnic and religious conflicts within its own borders, and the priority accorded to potential ethnic Bulgarian refugees, the Government pledged to accept only those refugees who expressed an explicit desire to come to Bulgaria. According to Prime Minister Kostov, first asylum applied only to those refugees who came to the country directly (passing through Serbia proper to do so) and not those who first arrived in the Former Yugoslav Republic of Macedonia (FYROM). Thus instead of accepting refugees from the over-crowded FYROM camps, the Government established and ran a refugee camp in FYROM. The Government also provided FYROM with medical facilities, prefabricated houses, portable showers, and meal sites.

In recent years, domestic and international human rights organizations have expressed concern over the Government's handling of asylum claims and reported that there may have been cases in which bona fide refugees were turned away at the border. No such cases were reported during the year. However, because NGO's lack institutionalized access to the country's borders, it is often difficult for them to monitor the Government's handling of asylum cases. For the first 6 months of the year, the Ministry of Interior reported that 803 persons applied for refugee status. Authorities granted 60 applicants refugee status, while 295 were granted temporary humanitarian status for either 6 months or 1 year.

The Agency for Refugees reports that, from its inception in 1993 until June 30, a total of 3,637 persons applied for asylum. Of these applications, 930 were accepted, 248 refused; for 683 applicants the procedure was terminated (usually because the applicant could not be found). Citizens from Afghanistan and Iraq generally constitute the majority of asylum seekers, but during the first half of the year, the majority were citizens of Serbia-Montenegro, including the province of Kosovo. Domestic and international human rights organizations complain that the adjudication process is slow, but the UNHCR notes that the Agency for Refugees has begun a major restructuring project to reduce the adjudication time to a period of 3 months. The restructuring project itself is expected to take 4 years. In 1997 and 1998, the UNHCR, in cooperation with an NGO, opened three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with opening a small reception center in Banya. During the Kosovo crisis, the Bulgarian Red Cross also set up emergency refugee centers in Pirin. Plans to open a reception center at the Sofia airport continue to be delayed due to a lack of funding. However, the UNHCR currently is working on plans to open a transit center in Kapitan Andreevo, on the border with Turkey.

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

Citizens have the right to change their government and head of state through the election of the President and of the members of the National Assembly, although the constitutional prohibition of parties formed on ethnic, racial, or religious lines has the effect of circumscribing access to the political party process for some groups (see Section 2.b.), particularly those Roma who have expressed a desire to create their own party. Suffrage is universal at the age of 18.

No legal restrictions hinder the participation of women in government and politics; however, they are underrepresented. Women hold just under 11 percent of the seats in the current Parliament. However, a number of women hold elective and appointive office at high levels, including three cabinet-level posts and several key positions in Parliament. The Minister of Foreign Affairs and the leader of the United Democratic Forces parliamentary group (the dominant party in the Government) are both women.

No legal restrictions hinder the participation of minorities in politics, apart from the prohibition of ethnically, racially, or religiously based parties. However, while ethnic Turks' representation in the National Assembly is close to commensurate with their share of population, there were only two Romani Members of Parliament; an improvement over 1998, when there were none. Both groups are underrepresented in appointed governmental positions, especially leadership positions.

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

Domestic and international human rights groups operate freely, investigating and publishing their findings on human rights cases. Government officials, especially local officials, occasionally are reluctant to provide information or active cooperation. Local human rights groups now are permitted to visit the SIS detention facilities to which they previously were denied access.

Legislation reportedly is pending to establish the post of human rights ombudsman, but to date the position has not been created.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against Roma and women.

Women.—Domestic abuse is a serious and common problem, but there are no official statistics on its occurrence. The Animus Association (AA), an NGO that offers assistance and support to female victims of violence, estimates that one in five women suffers from spousal abuse. Spousal rape is a crime, but it rarely is prosecuted. Currently, the law exempts from state prosecution certain types of assault if committed by a family member, and the Government does not assist in prosecuting crimes of domestic assault unless the woman has been killed or injured permanently. Courts and prosecutors tend to view domestic abuse as a family rather than criminal problem, and in most cases, victims of domestic violence take refuge with family or friends rather than approach the authorities. Police are not allowed to intervene in cases of domestic abuse, even if a woman calls them seeking protection or assistance. No government agencies provide shelter or counseling for victims. While the municipality of Sofia promised a building to the AA 2 years ago to use as a shelter for abused women, it has yet to follow through on its promise. However, the NGO Nadya De Center provides shelter to battered women. The courts prosecute rape, although it remains an underreported crime because some stigma still attaches to the victim. The maximum sentence for rape is 8 years; convicted offenders often receive a lesser sentence or early parole.

Ministry of Interior figures reveal that during the first half of the year, 300 rapes and 60 attempted rapes were reported.

During the year, the AA reported 1,049 cases of domestic violence, 105 cases of sexual violence, and 59 cases of trafficking in women. The actual incidence of each form of violence is certainly much higher, as these represent those cases in which the victim (or, in some trafficking cases, an overseas women's group) was willing and able to contact the AA. The association also operates a 24-hour hot line for women in crisis that is staffed by the association's 12 full-time professional therapists.

In 1997 the Government enacted a law against trafficking in women, and trafficking in women and girls is a serious problem (see Section 6.f.).

Local observers believe that sexual harassment is a problem; it is not currently illegal.

Many of the approximately 30 women's organizations are closely associated with political parties or have primarily professional agendas. Some observers believe that women's organizations tend to be associated with political parties or professional groups because feminism has negative societal connotations. Of those organizations that exist mainly to defend women's interests, the two largest are the Women's Democratic Union in Bulgaria, heir to the group that existed under the Communist dictatorship, and the Bulgarian Women's Association, which disappeared under communism but now has reemerged with chapters in a number of cities.

The Constitution forbids privileges or restrictions of rights on the basis of sex, and women are not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws. However, women face discrimination both in terms of job recruitment and the likelihood of layoffs. Official figures show the rate of unemployment for women to be higher than that for men. Women are much more likely than men to be employed in low-wage jobs requiring little education, and the Confederation of Independent Trade Unions in Bulgaria (CITUB) reports that the average woman's salary is 68 percent of that earned by the average male. Statistics show that women are equally likely to attend universities, but they have less opportunity to upgrade their qualifications and generally end up in lower-ranking and lower-paying positions than their male counterparts. Fewer girls than boys are attending schools, especially among minorities. Women generally continue to have primary responsibility for child rearing and housekeeping even if they are employed outside the home. Since 80 percent of em-

ployed women work in the lowest-paying sectors of the labor force, they often must work at two jobs in addition to their household duties in order to provide for their families. Female-headed households frequently live below the poverty line. There are liberal provisions for paid maternity leave; however, these actually may work against employers' willingness to hire and retain female employees. This is especially noticeable in higher-paying positions in the private sector, where many women with engineering degrees are compelled to work as secretaries.

No special government programs seek to address economic discrimination or integrate women better into the mainstream of society and the economy.

Children.—The Government generally is committed to protecting children's welfare but, with limited resources, falls short in several areas. It maintains, for example, a sizable network of orphanages throughout the country. However, many of the orphanages are in disrepair and lack proper facilities. Government efforts in education and health have been constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. However, fewer girls than boys are attending school, especially among minorities.

Credible sources report that there is no provision for due process of law for Romani and other juveniles when they are detained in Labor Education Schools run by the Ministry of Education. Living conditions at these reform schools are poor, offering few medical, educational, or social services. The Labor Education School at Slavovitsa has been the target of the harshest criticism. Generally, staff members at many such institutions lack the proper qualifications and training to care for the children adequately. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, are common at the schools. In 1996 the Ministry of Education acknowledged problems at the schools and attributed the cause to a lack of funding. In late 1996, Parliament enacted legislation providing for court review of sentencing to such schools and addressing other problems in the reform school system (see Section 1.e.).

The vast majority of children are free from societal abuse, although some Romani children are frequent targets of skinhead violence and arbitrary police detention; the homeless or abandoned were particularly vulnerable. Family or community members forced some Romani minors into prostitution. Police made little effort to address these problems. Some observers believe that there is a growing trend toward the use of children in prostitution, burglaries, and narcotics distribution. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People With Disabilities.—Disabled persons by law receive a range of financial assistance, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs. However, as in other areas, budgetary constraints mean that such payments occasionally fall behind. Disabled individuals have access to university training and to housing and employment, but architectural barriers are a great hindrance in most older buildings. For example, there are no elevators in schools or universities. Problems of general unemployment and economy undermine initiatives aimed at advancing equal opportunity for the disabled. According to the director of the Rehabilitation and Social Integration Fund, 82 percent of the disabled are unemployed.

Labor laws intended to protect the interests of the disabled and create greater employment opportunity sometimes have a mixed effect. On one hand, the law provides incentives for small firms to hire disabled workers. For example, the Bureau of Labor pays the first year's salary of a disabled employee. On the other hand, workers with disabilities are entitled to shorter working hours, which often leads to discrimination against them in hiring practices. According to the law, any enterprise employing more than 50 persons must hire a certain number of disabled workers (between 3 and 10 percent, depending on the industry). Those who fail to do so must pay a fine, the proceeds of which go to a fund for the disabled. Nevertheless, due to low fines and delays in the judicial system, collection rates are extremely low.

Effective in July students with disabilities must pay the university's initial application fee but are exempt from semester fees if accepted. In February a Day Center for Social Rehabilitation and Integration of the Disabled was opened. Built on land granted by the municipality of Sofia and with financial donations, the facility is the first of its kind to be fully equipped to address the needs of the disabled. In May the city of Russe received with foreign assistance two vehicles for use in transporting disabled persons. Recent public works have taken the needs of persons with disabilities into account. In July one of Sofia's main arteries underwent construction to add ramp access to sidewalks. Sofia's new subway system also was designed with wheelchair access to stations. Nevertheless, enforcement of a 1995 law requiring improved structural access for the disabled has lagged in existing, unrenovated buildings.

Policies and public attitudes prevalent during the Communist era, which separated mentally and physically disabled persons, including very young children, from the rest of society have persisted. Some complain that the effective segregation of disabled children into special schools has lowered the quality of their education. However, in a recent positive development, construction of a training and rehabilitation center for disabled youth in Pomorie began in September. The center aims to improve the overall physical and intellectual state of disabled youth and to encourage them to acquire new skills and participate more actively in the social life of the country.

Religious Minorities.—Discrimination, harassment, and general public intolerance of "nontraditional" religious minorities (i.e., the great majority of Protestant Christian religions) remained a problem, although the number of reported incidents decreased during the year. Strongly held suspicion of evangelical denominations among the Orthodox populace is widespread and pervasive across the political spectrum and has resulted in discrimination. Often cloaked in a veneer of "patriotism," intolerance of the religious beliefs of others enjoys widespread popularity. Such mainstream public pressure for containment of "foreign religious sects" inevitably influences policymakers. Nevertheless, there were fewer reported incidents of harassment of religious groups during the year as society appeared to have become more accepting of previously unfamiliar religions.

Certain religions, including both groups denied registration and those officially registered, such as Jehovah's Witnesses, faced discriminatory practices (see Section 2.c.), as did other groups, which, despite full compliance with the law, were greeted with hostility by the press, segments of the public, and certain government officials.

Non-Orthodox religious groups, including Jehovah's Witnesses, the Church of God, and the Emmanuel Bible Center, have been affected adversely by societal attitudes. Numerous articles in a broad range of newspapers as well as television documentaries, drew lurid and inaccurate pictures of the activities of non-Orthodox religious groups, attributing the breakup of families and drug abuse by youths to the practices of these groups and alleging that evangelicals were drugging young children.

National/Racial/Ethnic Minorities.—Ethnic Turks constitute almost 10 percent of the population. In the 1992 census, 3.7 percent of the population identified itself as Romani; however, the real figure probably is closer to 6 or 7 percent, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. Ethnic Bulgarian Muslims or "Pomaks" are a distinct group of Slavic descent, constituting 2 to 3 percent of the population, whose ancestors converted from Orthodox Christianity to Islam. Most are Muslim, although a number have become atheists or converted back to Christianity. These are the country's largest minorities. There are no restrictions on speaking Turkish in public or the use of non-Slavic names.

Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkish-speaking populations, although some observers complained that the Government was discouraging optional language classes in areas with large concentrations of Muslims. The Ministry of Education has estimated that approximately 40,000 children now study Turkish. Some ethnic Turkish leaders, mainly in the MRF, demanded that Turkish-language classes be made compulsory in areas with significant ethnic Turkish populations, but the Government has resisted this effort.

In May representatives of the MRF and mayors in the Kurdzhali region called for the region's governor, Plamen Ivanov, to be dismissed for his reported threats against some Turkish mayors in the region. The representatives and mayors believed that Ivanov's actions would cause ethnic tensions in the region to escalate. Prime Minister Kostov launched an investigation into the complaints against Ivanov.

Cooperation among Romani groups generally improved following agreement on the new government Program for Social Integration of Roma, adopted in April. Under the plan the Government created Roma Expert Committees, under the rubric of the National Council on Ethnic and Demographic Issues. The Committees consist of Roma representatives appointed by the various Romani NGO's which are members of the Council. The Committees (Discrimination, Media, Social Policy, Housing, Education, Health, Culture, and Economy) are to work with their counterpart Ministries of the Government to implement the program. The Discrimination Committee is the centerpiece of the new effort. The Discrimination Committee is to study EU countries' experience in antidiscrimination legislation and practice, after which it is to propose changes in the Penal Code, the Penal Procedure Code, and law enforcement regulations. Eventually, the Discrimination Committee is to become a permanent legislative branch agency, designed to review legislation for discriminatory provisions. It also is to be empowered to impose sanctions against discriminatory prac-

tices in the country and is to have regional offices in each of the country's 28 administrative districts. However, the Government has not implemented any of the legislation required to enact the program.

Attacks by private citizens on Roma continued. On January 16, several assailants beat Rom Blago Atanassov from Ghelemenko, and he died later as a result of his injuries. The district prosecutor in Pazardjik opened an investigation into the incident, which led to an indictment against the suspected perpetrators. The case did not go to trial by year's end. On June 15, four teenage boys were involved in the beating death of a 33-year-old Romani beggar, Nadezhda Dimitrova. The Sofia city prosecutor's office launched an investigation into the murder, but there were no results at year's end. The boys are not known to have any connection to organized hate groups.

In February 16-year-old Rom Nikolai Georgiev was shot while trespassing with several other children on private property in an affluent neighborhood near Sliven. Accounts differ about whether the children were caught in the act of theft or merely seeking shelter from inclement weather. Georgiev was shot in the leg, either by the homeowner or a security guard, and later bled to death before receiving any medical assistance. The case is currently under investigation.

Police harass, physically abuse, and arbitrarily arrest Romani street children (see Sections 1.c. and 1.d.). There was one arrest in the 1998 attack on eight Romani boys by skinheads in Sofia. Little progress has been made in other cases of violence against Roma during previous years, and these largely remain in the investigatory phase.

As individuals and as an ethnic group, Roma faced high levels of discrimination. The Romani population clearly occupies the bottom rung of society. Roma encounter difficulties applying for social benefits, and rural Roma are discouraged by local officials from claiming land to which they are entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded most other students. For example, the country has 34 all-Roma schools; according to one estimate, only one-half of all students at these schools attend class regularly and only about 10 percent successfully graduate. The Government has been largely unsuccessful in attracting and keeping many Romani children in school. Many Romani children arrive relatively unprepared for schooling; many of them are not proficient in the Bulgarian language. Poverty has led to widespread school truancy as many children in Romani ghettos cannot afford shoes or basic school supplies and instead turn to begging, prostitution, and petty crime on the streets. Lack of effective government infrastructure and programs and economic and social factors thus combine to deprive increasing numbers of Romani youths of an education and a better future. Early indications are that some recent initiatives undertaken by the Government and by Romani NGO's are achieving some small successes in mitigating these problems, for example by providing free lunches and subsidizing textbook and tuition costs.

Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma have only elementary training and little education.

Previously it had been common for ethnic Turkish and Romani conscripts to be shunted into military construction battalions during compulsory military service. This practice raised serious concerns both of discrimination and forced labor, particularly since the units sometimes accepted commercial construction contracts in addition to military construction projects. However, late in the year, the Government carried through on its commitment to abolish the construction battalions and eliminated this problem. There are only a few ethnic Turkish, Pomak, and Romani officers in the military, and an insignificant number of high-ranking officers of the Muslim faith.

Ethnic Turkish politicians maintain that, although their community's popularly-elected representation in the National Assembly is roughly commensurate with its size, ethnic Turks are underrepresented significantly in appointed positions in the state administration.

Several thousand persons, mainly in the southwest, identify themselves as ethnic Macedonians, most for historical and geographic reasons. Members of the two organizations that purport to defend their interests, OMO-Ilinden and TMO-Ilinden, are believed to number in the hundreds (see Section 2.b.). The Government does not recognize Macedonians as a distinct ethnic group, and the group is not enumerated in official government statistics.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right of all workers to form or join trade unions of their own choice, and this right apparently was exercised freely. Estimates of the unionized share of the work force range from 30 to 50 percent. This share continues to shrink as large firms lay off workers, and most new positions appear in small, nonunionized businesses.

The two largest trade union confederations are the Confederation of Independent Trade Unions of Bulgaria (CITUB) and Podkrepa, which together represent the overwhelming majority of organized workers. The Government does not control the CITUB, the successor to the trade union controlled by the former Communist regime. Podkrepa, an independent confederation created in 1989, was one of the earliest opposition forces but is no longer a member of the UDF, formerly the main opposition party, now in the Government. Following legislative changes in 1998, which mandated a census of the labor force and created minimum qualifications for labor union recognition, none of the other, much smaller labor organizations which previously had been represented in the National Tripartite Coordination Council were able to qualify. Other labor organizations retain the prospect of future recognition if they succeed in attracting more members and expanding their institutional structures.

Doctors, dentists, and some unions expressed dissatisfaction with a new union structure that they claim the Government imposed upon them in 1998, an action which some maintain violates an ILO convention.

The 1992 Labor Code recognizes the right to strike when other means of conflict resolution have been exhausted, but "political strikes" are forbidden. Workers in essential services (primarily the military and the police) also are subject to a blanket prohibition against striking, although such workers on occasion held an "effective strike" in which they stop or slow their activities for 1 or 2 hours.

On most occasions, the Government generally does not interfere with legal labor strikes, and several work stoppages took place.

On May 27, thousands of workers from the metalworking, machine building, and arms industries marched through Sofia to protest factory closures and the falling standard of living. In December workers from the VMZ arms plant in Sopot blocked the road between Sofia and Bourgas to protest wage arrears and management's plans to lay off one-third of its workers.

The Podkrepa labor union has complained that an amendment to a 1990 law, passed in March 1998, facilitated the Government's ability to declare a strike illegal. Under this new amendment, workers no longer have the right to appeal when a strike is declared illegal. Podkrepa maintains that this provision is unconstitutional and violates an ILO convention.

The Labor Code's prohibitions against antiunion discrimination include a 6-month period for redress against dismissal as a form of retribution. However, there is no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rests entirely on the employee.

No restrictions limit affiliation or contact with international labor organizations, and unions actively exercise this right.

b. *The Right to Organize and Bargain Collectively.*—The Labor Code institutes collective bargaining, which was practiced nationally, regionally, and on the local level. The legal prohibition against striking for key public sector employees weakens their bargaining position; however, these groups were able to influence negotiations by staging protests and engaging in other pressure tactics without going on strike. Labor unions have complained that while the legal structure for collective bargaining was adequate, many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers viewed the Government's enforcement of labor contracts as inadequate.

In several instances an employer was found guilty of antiunion discrimination, but the employers appealed the decisions. The backlog of cases in the legal system delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The same obligation of collective bargaining and adherence to labor standards prevails in the six export processing zones, and unions may organize workers in these areas.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including that performed by children; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.). There also have been other reports of such practices. In 1997 the BHC issued a report on the use of forced child labor to make articles for sale at the Slavovitsa Boys' Reform School. An investigation by the Ministry of Education into this practice is under way. Many observers had argued that the previous practice of shunting mi-

nority and conscientious objector military draftees into work units that often carried out commercial construction and maintenance projects was a form of compulsory labor; however, the Government abolished these construction battalions late in the year (see Sections 2.c. and 5).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code sets the minimum age for employment at 16 years; the minimum age for dangerous work is set at 18. Employers and the Ministry of Labor and Social Policy (MLSP) are responsible for enforcing these provisions. Child labor laws are enforced well in the formal sector, but some observers believe that children increasingly are exploited in certain industries (especially small family-owned shops, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics). According to a survey conducted by the MLSP in 1998, more than 50,000 children under the age of 16 are believed to be employed illegally in the country. Dr. Zhelyasko Hristov, president of the CITUB labor union, estimated the total number of illegally employed children as at least twice that number. In April the first-ever fine was imposed on an employer of illegal child labor. Underage employment in the informal and agricultural sectors is believed to be increasing as collective farms are broken up and the private sector continues to grow. In addition, children are known to work on family-owned tobacco farms, and local NGO's reported children working on nonfamily-owned farms for meager monetary or in-kind wages (e.g., food).

Forced and bonded labor by children also is forbidden by law; however, trafficking in young girls for the purpose of forced prostitution is a problem, and there also have been other reports of its use (see Section 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—The national monthly minimum wage is approximately $37 (Lev 67), which is not enough to provide a decent standard of living for a worker and family. Nonpayment of wages and wage payments in arrears continue to be a problem with certain employers, although the Government has declared the amelioration of this problem a top priority. The Constitution stipulates the right to social security and welfare aid assistance for the temporarily unemployed, although in practice such assistance is often late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP is responsible for enforcing both the minimum wage and the standard workweek. Enforcement generally is effective in the state sector (although there are reports that state-run enterprises fall into arrears on salary payments to their employees if the firms incur losses) but is weaker in the emerging private sector.

A national labor safety program exists, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and nonhazardous working conditions. The MLSP is responsible for enforcing these provisions. Conditions in many cases worsened due to budget stringencies and a growing private sector that labor inspectors do not yet supervise effectively. Protective clothing is often absent from hazardous areas (goggles for welders, helmets for construction workers, etc.), since employers often imply that payment for such measures would have to be deducted from the overall budget used to pay workers' wages. The overall standard of living of workers stabilized in 1998 after suffering a severe downturn during the economic crisis of late 1996 and early 1997. The pervasive economic crisis and imminent, long-overdue privatizations continue to create a heightened fear of unemployment, leading to a reluctance on the part of workers to pursue wage and safety demands. In a positive sign, new legislation passed in during the year mandated that employers set up joint employer/labor health and safety committees to monitor workplace conditions. These committees are starting to be organized at many workplaces. The effectiveness of these committees is not yet apparent.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardizing their continued employment. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems would result in the loss of employment for many workers.

f. *Trafficking in Persons.*—In 1997 the Government enacted a law against trafficking in women; however, trafficking in women and girls is a serious problem. A 1997 amendment to the Penal Code on trafficking in women introduced longer prison sentences (to existing kidnaping penalties already in force) in those cases where the victim is under 18 years of age, is offered to another person for sexual abuse, or is trafficked abroad for sexual abuse. However, no suspected traffickers have been brought to trial, possibly because victims are afraid to confront their former criminal controllers when there are no government-sponsored programs to assist or protect victims of trafficking. Some judges and prosecutors also report that they feared reprisals from organized crime figures. The Government created two police units spe-

cifically to address the problem of trafficking in persons. One is part of the border police and the other is in the Ministry of Interior's organized crime fighting agency. High-level Ministry of Interior officials cooperated closely with foreign governments and the International Organization for Migration to support a research project and information campaign to combat trafficking.

La Strada, a Netherlands-based NGO, reports that Bulgarian women constitute one of the largest groups of victims of forced prostitution in Western and Central Europe. Approximately 10,000 Bulgarian women currently may be involved in international trafficking operations. This is a very lucrative business for Bulgarian criminal organizations, and there have been unconfirmed reports of local or police involvement in trafficking in some areas. Victims of trafficking range from those who were duped into the belief that they would have good and respectable employment, to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. A factor contributing to the high number of trafficking victims from the country is the high unemployment rate among young women who face limited opportunities in a relatively patriarchal society. Furthermore, because it may be very difficult for young women to obtain visas to work in Western Europe, false job agencies that promise to simplify the process can be very successful in luring trafficking victims. The process of transforming girls into prostitutes generally takes place before they even leave the country. The women typically are taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east are kept in Bulgaria for several weeks where they are subjected to psychological and physical abuse to make them more submissive before they are shipped to their destination points. Once the women leave the country, their identity documents are taken away, and they find themselves forced to work as prostitutes in cities across Europe. Victims report that traffickers took away their passports and visas, forced them to stay illegally in countries, and made them more vulnerable to prosecution in foreign countries. The women may be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punish women severely for acts of disobedience. Some victims have returned to the country with numbers branded into their skin. Traffickers also use threats against the women's families and family reputations to ensure obedience. According to some reports, some 3,500 women are trafficked to Poland, thousands to the Netherlands and the Czech Republic, while others are trafficked to Germany, Belgium, Canada, Serbia-Montenegro, Romania, Hungary, FYROM, Italy, Greece, Cyprus, and Turkey. The northeast and southwest border regions are where most trafficking occurs, since women are sent more easily to former Socialist countries with less strict visa requirements. In 1998 Polish authorities deported 44 women, who were working as prostitutes, most from Bulgaria. In Poland there is a growing market for young girls, as young as 12 or 13 years old, due to the perception that younger prostitutes are less likely to have sexually transmitted diseases. Commonly girls are given 15 condoms at the start of the day and told to make use of all of them before returning. At a rate of $10 (40 PLN) per sexual encounter, the girls are expected to bring back $150 (600 PLN). If they do not, they are beaten and sent out again the next day. Women reportedly have been trafficked into Bulgaria from the former Soviet Union and FYROM, also for forced prostitution. The country is also a transit point for traffickers bringing women to Greece.

The AA reported 59 cases of trafficking in women during the year.

Technical and bureaucratic obstacles hamper governmental assistance to female victims of violence. Many victims of trafficking and forced prostitution are too young to have worked previously; the lack of previous work experience disqualifies them from receiving social security assistance. If they are runaways with no registered address to which they can return, they are ineligible for humanitarian assistance. Victims are not encouraged to file complaints, as there is no mechanism in place to protect witnesses. Furthermore, societal attitudes and prevailing moral stigmas tend to ensure that their situation is either unmentioned or criticized. There is one NGO-sponsored 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The NGO also coordinates with government agencies and other NGO's to find assistance for trafficking victims.

During the year the Government showed encouraging signs of taking this problem more seriously by confronting it in a multiagency effort, but this campaign remained in its early stages at year's end.

CROATIA

The Republic of Croatia is in principle a constitutional parliamentary democracy, with a powerful presidency. President Franjo Tudjman was reelected in 1997 to a second 5-year term in an election that observers considered "fundamentally flawed." President Tudjman and the ruling Croatian Democratic Union (HDZ) had maintained power since independence in 1991 by using the party's majority position to deny opposition parties the ability to compete on free and equal terms in elections. The HDZ agreed in November to hold new parliamentary elections in January 2000. President Tudjman died in December, and Parliament Speaker Vlatko Pavletic was named acting President until presidential elections, which were scheduled to be held by February 2000. The President serves as head of state and commander of the armed forces, chairs the influential National Defense and Security Council, nominates the Prime Minister who leads the Government, and approves certain appointments in local and regional government. During the year, the extensive constitutional powers of the presidency, the blurring of the roles and functions of the HDZ party with those of the government and the presidency, HDZ control of television and the continuing concentration of power within the one-party central Government combined to make the country's nominally democratic system in reality authoritarian. However, on January 3, 2000 the ruling HDZ party lost generally well-conducted parliamentary elections to an opposition coalition. The judiciary is nominally independent; however, it suffers from political influence and bureaucratic inefficiency.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security but, in times of disorder, the Government may call on the army to provide security. The civilian authorities generally maintain effective control of the professional security forces, although the police sometimes committed serious human rights abuses.

The transition to a market-based, free enterprise economy is proceeding slowly. While agriculture is mostly in private hands and the number of small enterprises is increasing, industry and media enterprises are largely either still controlled by the State or deliberately were transferred in nontransparent, noncompetitive processes to individuals sympathetic to the ruling party. Unemployment remained high at 19 percent, and much higher in the areas affected by the war, and the standard of living for most of the population has yet to recover to prewar levels. The economy showed underlying weakness throughout the year in most industrial sectors, particularly in banking, which continued to be characterized by very low liquidity and serious losses due to bad loans, which in turn have caused bank closures, squeezing hundreds of thousands of depositors, employees, and small entrepreneurs.

The Government's human rights record remained poor; although improvement was noted in certain areas, serious problems continued in others. The Government's conduct of the flawed 1995 elections seriously limited citizens' right to change their government peacefully, although it agreed to hold parliamentary elections in January 2000 according to provisions of the Constitution. Police occasionally beat persons. The Government did not always respect due process provisions for arrest and detention. Lengthy pretrial detention is a problem, especially for ethnic Serbs indicted for war crimes. The judicial system is subject to political influence, and the court system suffers from such a severe backlog of cases that the right of citizens to address their concerns in court is impaired seriously. Cases of interest to the ruling party are processed expeditiously, while others languish in court, further calling into question the independence of the judiciary. The courts sometimes deny citizens fair trials. The Government at times infringed on citizens' privacy rights.

The Government restricted press freedom, using the courts and administrative bodies selectively to shut down or restrain newspapers, radio, and television stations critical of the Government or simply outside of its control. A new telecommunications law, passed in June, in part addressed the concerns of independent radio and television broadcasters, however the HDZ party was to retain considerable influence over the administrative councils and the government-owned radio and television broadcaster for several years. Parliament failed to pass legislation governing the conduct of state-owned television and radio, resulting in campaign coverage for parliamentary elections held in January 2000 that blatantly favored the ruling HDZ party. Government intimidation including libel charges induced self-censorship by journalists; some 900 criminal and civil cases against journalists were ongoing, with legal costs for defendants mounting. There were incidents of overt censorship of the electronic media. The Government at times restricted freedom of assembly and circumscribed freedom of association with a law that prohibited groups from forming

unless expressly authorized to do so by means of an intrusive registration process, although there were no reports that the Government used this law to hinder any organization during the year. The Government used the manipulation of laws, harassment, economic pressure, and its almost total control of the electronic media to control the political process. The Government's record of cooperation with international human rights and monitoring organizations was mixed: It cooperated with some requests from the International Criminal Tribunal for the former Yugoslavia (ICTY) but refused to comply with others, including the ICTY's search for evidence on alleged crimes committed during the Croatian military operations "Flash" and "Storm" in 1995, and its request to conduct a field investigation in the country. The implementation of government programs promulgated in 1998 for the return to the country of refugee citizens (mostly ethnic Serbs) and the restitution of their homes proceeded very slowly in many areas because of local government intransigence, unhelpful influence at the national level, and bureaucratic and legal confusion.

Violence and discrimination against women remained problems. The Government discriminates against Muslims. Ethnic minorities, particularly Serbs as well as Roma, faced continued serious discrimination. Government commitments to foster reconciliation among ethnic groups have not been met. While some progress was made, ethnic tensions in the formerly occupied areas reignited during the year. Abuses including ethnic-motivated harassment, assaults, and murders continued to occur. Police performance was generally satisfactory, but in many cases where the victim was an ethnic Serb, the police either did not investigate thoroughly or failed to take effective action against the criminal activity. There were continued departures of ethnic Serb citizens from the Danubian region (Eastern Slavonia). Poor economic conditions were a key reason for these departures and the Government did very little to encourage economic development in the region. Moreover, the Government not only failed to take steps to ensure a peaceful reintegration of the area, it often stoked tensions over exhumations of missing persons and housing for returnees, thereby compounding the region's problems. Housing and employment regulations were administered in a manner biased against ethnic Serbs. There were occasional instances of trafficking in women through the country.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government officials.

There were three ethnically motivated killings of ethnic Serbs during the year (see Section 5).

Of the many major crimes committed by both sides during the conflict, the Government has been much more vigorous in the prosecution of those committed by ethnic Serbs than those committed by ethnic Croats. It has been only reluctantly cooperative regarding possible war crimes associated with the Croatian military operations "Flash" and "Storm" in 1995. In April the Croatian Helsinki Committee released a report stating that at least 410 Serb civilians died during the August 1995 operation "Storm." A September report issued by the Government indicated that criminal charges have been brought in 3,978 cases associated with "Flash" and "Storm." However, this number has not been confirmed independently by the ICTY, only 13 of these cases resulted in substantial prison sentences, and none of those convicted were senior officers. In September the Government refused to submit to the jurisdiction of the ICTY regarding these operations unless the ICTY were to convene a special chamber to rule on the issue. In August one (of two) ICTY indictees was transferred to the Hague. The extradition of the second indictee still was pending at year's end due to his poor health (see Section 4). In the Danubian region, five ethnic Serbs were convicted in May of war crimes in the "Sodolovci" case on very weak evidence; however, the Supreme Court reversed their convictions in November. Croatian military and paramilitary members involved in murders in Pakracka Poljana in 1991 were acquitted or sentenced to time served (see Section 1.e.).

Progress was made on the exhumation and identification of bodies at a number of sites in the Danubian region. Throughout the country, the bodies of 3,129 victims have been exhumed from mass and individual graves since the war (see Section 1.b.).

Dinko Sakic, commander of Croatia's Jasenovac concentration camp in 1944, was convicted in October of crimes against humanity and sentenced to 20 years' imprisonment, the maximum sentence. Sakic was extradited from Argentina in 1998.

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

Government figures in December showed that 1,658 persons (mostly ethnic Croats) still were missing in cases unresolved from the 1991-95 military conflict. However, this number does not reflect an additional approximately 900 persons (mostly ethnic Serbs) believed to be missing from 1995, which were reported to the Government of the Federal Republic of Yugoslavia (FRY) or to international organizations. There has been significant progress on the recovery and identification of the remains of ethnic Croats; however, efforts to identify persons reported missing after mid-1995 (primarily ethnic Serbs) were hampered by political and bureaucratic obstacles. Progress was made on the exhumation and identification of bodies at a number of sites in the Danubian region (eastern Slavonia), including a well in Vukovar where 10 female bodies were located in August and a site in Ilok where 30 bodies were recovered in September. Throughout the country, 3,129 victims have been exhumed from mass and individual graves since the war, 81 percent of whom have been identified, and 53 percent of whom were civilians. At a March conference with government officials from Bosnia-Herzegovina and the FRY, the Government agreed to set up a subcommission on missing persons for the Danubian region and to hold regular meetings with FRY officials on missing persons. In December the Danubian subcommission finally became operational. There were no subsequent bilateral meetings with FRY officials after March in part due to the disruption caused by the NATO campaign in Kosovo.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, maltreatment, or cruel or degrading punishment; and there were occasional credible reports that police beat persons and that these cases were not always investigated properly.

According to press reports in August, ethnic Croatian police officers in the Baranja region beat Roma. According to a Roma rights nongovernmental organization (NGO), in one incident an ethnic Croatian police officer allegedly beat a Rom and threatened him at gunpoint. The Rom reportedly filed a complaint against the officer.

In April during tense contract negotiations with Croatian railroads' management, the vice president of the Locomotive Engineers Union reportedly was beaten severely with metal bars by unknown assailants (see Section 6.a.).

According to press reports, in June an opposition Socialist Worker's Party head reported that unidentified assailants hit him in the head with a gun, for which he was hospitalized. According to the individual, this was the fourth or fifth such attack he suffered in the previous 12 months.

Ethnic minorities reportedly were beaten by unknown assailants in the Danubian region (see Section 5). According to press reports, unknown persons threw bombs at Romani houses in Vardarci. Roma allegedly reported the incidents to police, but no suspects were found.

Full control of the police in the Danubian region reverted to the Government in 1998, and the role of police monitoring was assumed by the Organization for Security and Cooperation in Europe (OSCE). The OSCE reported that overall police performance was satisfactory. Leaders of the ethnic Serb community observed that the police generally conducted themselves well, and that in the Danubian region it was the judiciary that was more often responsible for failures in the legal system. Lack of police training and occasionally fear by police to carry out their duties were ongoing problems. In some cases, particularly where the victim of a crime was an ethnic Serb, police investigations were not thoroughly conducted. In the Danubian region monitors noted that police occasionally called ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

Prison conditions meet minimum international standards. Jails are crowded, but not excessively so, and family visits and access to counsel are generally available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution contains the provision to protect the legal rights of all accused persons, but the Government does not always respect due process provisions for arrest and detention. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may carry out arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. Such cases are not uncommon. The police then have 24 hours in which to justify their decision before a magistrate. Inspectors working under the auspices of the Ministry of Finance (the so-called "financial police") do not require a warrant in order to enter premises and examine records, actions that can lead to the unilateral shutdown of the organization in question in advance of any due process (see Section 2.a.).

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the investigative magistrate appoints the defense counsel. The investigative magistrate must, within 48 hours of the arrest, decide whether sufficient cause exists to hold a person in custody pending further investigation. Investigative detention usually lasts from a few days to a few weeks, but the Supreme Court may extend the deadline (for a total period of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees are released on their own recognizance pending trial, unless the crime is a serious offense, the accused are considered a public danger, or the court believes that they may flee.

However, persons held under investigation sometimes were denied the right to have an attorney present during all parts of the investigative stage or appeal of investigative detention. During the year, suspects were allowed greater access to attorneys during the investigative stage, and fewer complaints were noted. In practice detainees generally are bound over for investigation unless it is clear that no case exists against them. There have been several cases of lengthy pretrial detention, including individuals who are awaiting the prosecutor's appeal of their acquittal. While there are provisions for posting bail after charges are brought, the practice is not common. The International Committee of the Red Cross in September counted 72 ethnic Serbs in detention for acts related to the conflicts in 1991–95; of these only 37 had received final convictions, while the rest were in various stages of their judicial processes.

The arrest in June of former intelligence official Miroslav Separovic appeared to be politically motivated; Separovic allegedly leaked state secrets to the press that resulted in a newspaper article on politically motivated fixing of soccer matches by intelligence agents. The charges against Separovic were dropped in August (see Section 2.a.).

The Government's application of the 1996 amnesty act for rebel Serbs remained problematic. Confusion arose from the fact that the Government initially issued a list of 13,575 persons who were given amnesty from indictments for rebellion during the military conflict, absent the appearance of new and credible evidence of war crimes, as well as a list of 25 individuals who were indicted for war crimes. During the year, the Government issued at least 91 new war crimes indictments, both individual and collective, for ethnic Serbs whose names appear on the amnesty list, claiming that they were based upon new and credible evidence. However, international monitors questioned the credibility of the evidence and the transparency of the process. In several cases, charges were reworded so that offenses that were eligible for amnesty were reinstated either as war crimes or common crimes. These indictments were issued without previously agreed-upon notification to the ICTY. In March the Government claimed that the list of persons amnestied had grown to 18,314; however, the identities of the 4,739 additions to the list were not announced. These events created great uncertainty among ethnic Serbs, because some who wished to return to the country were unwilling to do so until they knew that they would not be arrested, and others who believed themselves amnestied later were arrested.

In separate cases in April and July, Serb police officers in Borovo Selo and in Ilok (both in the Danubian region) were arrested for war crimes dating to 1991 and 1993 respectively, despite the fact that both previously were cleared for police duty by the Ministry of Interior. The Government indicated that there was new evidence justifying their arrests. In September both still were detained pending trial. In addition, in at least five other cases, ethnic Serb police officers in the region fled to the FRY when they learned that they were the subject of investigations. NGO's noted that even a small number of such apparently political cases created serious uncertainty among the 700 Serb police officers in the region. The appeal of Milos Horvat (sentenced to 5 years' imprisonment for genocide in 1997 based on what international monitors described as questionable standards of evidence) was heard by the Supreme Court in December 1998, 18 months after it was filed. In a June decision, the Supreme Court rejected Horvat's appeal of his conviction and also rejected the prosecutor's appeal of the 5-year sentence as too short.

The Constitution prohibits the exile of citizens. In 1998 the Government established procedures by which Croatian Serb refugees who fled the country in 1995 might regulate their citizenship status, obtain citizenship documentation, return to Croatia, and reclaim their property. Implementation of these procedures is moving forward; however, progress has been slow and uneven (see Section 2.d.). During the year, 8,625 persons who were refugees in the FRY and Bosnia-Herzegovina were able to return to Croatia. Government figures indicate that overall since the conflict, of approximately 250,000 ethnic Serbs who fled their homes, 33,000 have returned from abroad and 27,000 have returned to their homes after being displaced within

the country. An October survey by the U.N. High Commission for Refugees (UNHCR) estimated that the actual number of Serb returnees may be much higher than these government figures indicate. In a positive development, the Government opened a full-time consulate in Banja Luka, Bosnia-Herzegovina to facilitate documentation for citizens in Bosnia. The UNHCR and NGO's reported that the Croatian Embassy in Belgrade experienced lengthy delays in providing citizenship and travel documents to citizens (overwhelmingly ethnic Serbs) wishing to return to Croatia. Ethnic Serbs within Croatia requiring documentation also report persistent difficulties and delays, and contradictory requirements by local officials charged with issuing documents.

e. *Denial of Fair Public Trial.*—The judiciary is nominally independent; however, it suffers from political influence. In practice bureaucratic inefficiency mars the system; the court system has a backlog of over 1 million cases.

The judicial system consists of municipal and district courts, the Administrative Court, and the Supreme Court. The independent Constitutional Court both determines the constitutionality of laws, governmental acts, and elections and serves as the court of final appeal for individual cases. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of a president and 14 members) is a body independent of both the judiciary and the Ministry of Justice charged with both the appointment and discipline, including removal, of judges, court presidents, and public prosecutors. The upper house of Parliament nominates persons for membership on the Council, and the lower house elects the members for 8-year terms. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

Judges are prohibited by the Constitution from being members of any political party. Nonetheless, the HDZ party wielded considerable influence over the judiciary, and critics charged that the State Judicial Council (whose members were appointed by the HDZ-dominated Parliament) was a political tool of the executive branch. While the Council is authorized to act independently in the appointment and review of judges, it occasionally has defied Constitutional Court rulings. Moreover, the terms of 8 of the 11 Constitutional Court justices expired in December, and the HDZ reached an agreement with the opposition parties to replace them with judges selected for their political loyalties rather than professional merit. For example, hardline HDZ supporter Vice Vukojevic who is known for his nationalist rhetoric was appointed to the Constitutional Court in December. Several prominent lawsuits to annul the new appointments to the Court on technical grounds were rejected. Observers believe that this agreement could yield a new court that is less independent and less qualified than the previous court. The outgoing president of the Constitutional Court publicly criticized the process by which the new court judges were selected and noted that none of those chosen were career judges.

The severe shortage of judges prevalent in recent years was reduced. However, a greater problem was that many of the newly appointed judges were inexperienced and did not consistently apply the rule of law. While the ruling HDZ party may not have intervened directly in judicial deliberations, the newly hired judges were appointed by, and often were sympathetic to, the HDZ. Judges at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law. The judicial system suffers from a massive backlog, estimated at 750,000 to more than 1 million cases, some dating back 30 years or more. Cases involving average citizens may drag on for years, while criminal libel suits or other cases affecting high-level government officials are heard within weeks under "urgent proceedings" (see Section 2.a.). According to the president of the Association of Croatian Judges, the Government failed to provide the financial means necessary for the regular operation of the courts. The case backlogs in Zagreb, Rijeka, and Split are compounded by government cutbacks on telephone, gas, water, and electricity throughout the country.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, the courts sometimes denied citizens fair trials. Local authorities often refused to implement court decisions. For example, little or no progress was made in numerous cases of illegal evictions in which the legal owner had a positive court decision, yet was unable to gain access to his property. Judicial decisions overwhelmingly favored ethnic Croats in property claims involving returning refugees and displaced persons. Approximately 22 percent of all claims submitted to a court were decided in favor of a non-Croat claimant. In those cases in which the court ruled in favor of a non-Croat, only a handful of judicial orders for the eviction of a Croat occupant of a Serb-owned home have ever been carried out by the police (see Section 1.f.). Many of these cases involve either current or former members of the Croatian military or police forces, and local authorities refuse to act against them on behalf of the rightful owner. The only recourse for

the defendant is to return to court to demand implementation of the first decision, a time-consuming and costly procedure that still may not result in implementation. Despite an April Constitutional Court ruling overturning a Zagreb city decree that had restricted public protests in the city, local officials continued to enforce the decree until a new law was passed in October (see Section 2.b.). Cases in the Danubian region (Eastern Slavonia) in which the plaintiff was an ethnic Croat were heard and decided in a matter of days or weeks, and judicial orders were carried out expeditiously, sometimes at the expense of the legal rights of Serbs. However, cases in which the plaintiff was an ethnic Serb often dragged on for months or years.

The Government continued to apply questionable legal standards in the implementation of the general amnesty adopted in 1996. There was credible evidence that crimes for which persons should have received amnesty were recategorized as either common crimes or war crimes (see Section 1.d.).

In May two cases starkly highlighted the contrasting treatment of ethnic Serb and ethnic Croat war crimes defendants. The county court in Osijek in the Danubian region convicted five ethnic Serbs (the "Sodolovci group") of crimes against civilian populations for participating in artillery attacks against civilian targets in 1991 and 1992 and sentenced them to terms of imprisonment ranging from 8 to 15 years. The indictments were for a generalized series of attacks, and the evidence did not conclusively connect the defendants to the attacks. The case focused on the fact that the defendants were members of a unit known to have been active in the area in the given time period. During the course of the trial Justice Minister Zvonimir Separovic visited the Osijek county court, discussed "current legal issues" with the president of the court, Petar Klajic, and other judges, and made public statements asserting that the court system would not be subject to foreign pressure. Only 2 days after Separovic's visit, the court handed down its verdict. The verdict was criticized sharply in the ethnic Serb community. In November the Supreme Court overturned the verdicts and freed the defendants. Also in May, six ethnic Croats were released in the "Pakracka Poljana" case (four were acquitted and two convicted of minor offenses and sentenced to time served) for crimes against Serbs in Western Slavonia in 1991. This was the first major war crimes case brought against ethnic Croats for actions against Serbs. The judgements were reached despite a 1997 newspaper interview by defendant Miroslav Bajramovic in which he personally admitted to killing 70 Serbs in Pakracka Poljana and also implicated other defendants as well as Tomislav Mercep, a well-known hardline political figure who was never charged. Although Bajramovic's alleged crimes were well-known to the Government, charges were brought against him only in response to public criticism over the newspaper interview. The interview was not introduced as evidence during the trial, nor was any real effort made to obtain evidence or secure witness testimony to support the charges.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—At times the Government infringed on these rights. The Constitution declares the home inviolable. Only a court may issue a search warrant, which must state the justification for the search. Police may enter a home without a warrant or the owner's consent only if necessary to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. While the authorities generally complied with these norms, there were notable exceptions in which the Government did not respect private property in practice. Despite developing a mechanism by which property could, in theory, be restored to the original owner, the Government failed to implement this program vigorously. Furthermore, there are no provisions for those individuals, primarily citizens of Serb ethnicity, who lost tenancy rights to their dwellings during the war to return to their previous homes.

There were many press reports and claims by a number of prominent figures that authorities authorized an extensive campaign of wiretapping against the independent media, opposition political figures, and others (see Section 2.a.). Leaks indicated the use of wiretapping by government intelligence services. In February the weekly Nacional reportedly filed charges against head of the Office for the Protection of the Constitutional Order and/or the Minister of Interior Ivan Penic for wiretapping and illegal surveillance activities of its journalists. An opposition Member of Parliament who was another alleged target of surveillance called for the President's intervention in the matter, the resignation of Interior Minister Penic, and the creation of a commission to investigate the work of the intelligence services. Penic reported that the Ministry of Interior began an investigation into these allegations of illegal surveillance activities. In December after claims that the intelligence services had bugged the offices or telephone of acting President and Speaker of the Parliament Vlatko Pavletic, a parliamentary commission concluded that this was not

the case. However, Paveletic called for a curtailment of the conditions under which the intelligence services legally may use wiretaps. Later that month former Croatian Intelligence Service Director Miroslav Separovic published the names of more public figures who he claims were monitored illegally by the intelligence services at the request of HDZ hardliners. The list includes opposition members as well as HDZ members.

Despite a 1997 Constitutional Court ruling that several elements of the Law on the Temporary Takeover of Specified Property (LTTP) were unconstitutional, the vast majority of Serb property owners who fled homes that were later occupied by ethnic Croats remained unable to access their property. A 1998 program for the return of refugees and displaced persons, which included mechanisms for property restitution and reconstruction, was implemented very slowly and only a handful of cases of property restitution were recorded by year's end, as both national and local authorities declined to take steps to displace temporary occupants in favor of the original owners, as stipulated in the return program. Further, only a handful of claims by ethnic Serbs for reconstruction have been considered. Despite orders from the national Government, local authorities (including local housing commissions) often did not take steps to regulate permits authorizing or revoking occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises, a situation that remained largely unchanged throughout the year. Numerous returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the occupier's house had been reconstructed and there was no impediment to his return. In general in such cases, the Government failed to furnish reconstructed houses with basic utilities. Housing commissions were often purposefully dysfunctional, failed to resolve housing cases, and ignored judicial decisions. In Knin the housing commission resolved less than one dozen property disputes and allowed a 500-case backlog to accumulate. One of the very few cases of "multiple occupancy" (in which a family occupies more than one home, thus preventing rightful homeowners from returning) that was resolved during the year occurred in the Sisak area where an ethnic Croat kept his dog in the otherwise empty home of an ethnic Serb. Local authorities refused to evict the dog until July, after U.N. High Commissioner for Refugees Sadako Ogata and other Western diplomats personally raised the issue with the highest levels of the Government. Cases of disregard for the Government's return program and its legal provisions were common.

Throughout the year, the OSCE and local human rights organizations reported forcible evictions of ethnic Serbs from Croat-owned homes without receiving alternative accommodations on an almost weekly basis. Police response was mixed, due in part to conflicting instructions from higher authorities. Despite direct intervention from senior government officials to halt the evictions and clarify police instructions, homeowners were allowed to harass occupants until they were, in effect, forced to leave. In many cases, the actions of local political officials in the Danubian region called into question their impartiality. The housing commissions in the Danubian region (where temporary occupants were overwhelmingly ethnic Serb) were more active and effective in returning property to the original homeowners than were housing commissions in other regions (where the temporary occupants were primarily ethnic Croats). In Beli Manistir, OSCE officials and an NGO noted that an unofficial housing commission, headed by the deputy mayor and supported by the local police, improperly evicted several ethnic Serbs. Materials to repair and reconstruct war-damaged housing were being distributed in a manner that discriminated against Serbs, and villages where Serbs were a majority were being reconstructed at a slower pace than Croat-majority villages, despite the adoption in 1998 of a reconstruction program which aimed to ensure nondiscriminatory provision of such assistance.

An ongoing problem was the continued occupation of homes belonging to Croatian Serbs by refugees from neighboring Bosnia-Herzegovina and the FRY, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Ethnic Croats wishing to return to the Danubian region also were unable to return to homes occupied by Serbs. Many Serb returnees were unable to move into looted and devastated homes that the Government defined as habitable. Of the total 7,123 applications for repossession of property recorded by the government Office for Displaced Persons and Refugees (ODPR) at the end of August, less than one-fourth were listed as returned to their owners.

No progress was made to resolve the thousands of cases of citizens (mostly ethnic Serbs) who, due to their absence for more than 6 months during the war, lost their occupancy rights. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to claim their prop-

erty or because they had lived in the occupied parts of the country and missed the chance to purchase their previous apartments.

There were no reports that the Ministry of Defense arbitrarily revoked the tenancy rights of individuals who had lived in their apartments for decades. Split resident Hasim Begovic fully recovered his apartment late in the year.

Incidents of grenade attacks against property and arson related to housing disputes were reported during the year (see Section 5).

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. Unlike previous years, there were no further reports during the year that requests made by ethnic Serbs to return to their original homes in the formerly occupied areas were used by individuals to vandalize or in some cases destroy the property in order to prevent the Serbs from returning. There were persistent reports to international organizations, although fewer in number than in 1998, that local housing commissions allowed authorizations for temporary accommodation to be transferred among temporary users, thus keeping a residence occupied even after the original owner's intention to return was known.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of thought and expression, specifically including freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions of public communication; however, the Government restricted these rights in practice. The Government controls or influences much of the print media, controls or influences most of the electronic media (in particular, television), and influences and manipulates the judiciary. All this, combined with the Government's continued harassment—through job loss or banishment from the airwaves, overt censorship, intimidation, and criminal prosecution—of those journalists who criticized the ruling HDZ party, stifled many of these freedoms in practice. The Government maintained an unofficial campaign of harassment of the independent media throughout the year, and more than 300 criminal and 600 civil prosecutions of journalists are ongoing, many brought by government officials or their close relatives or associates. The law gives the public prosecutor the right to appeal an acquittal, thereby potentially exposing journalists to double jeopardy. There continued to be reports of government wiretapping of some independent journalists (see Section 1.f.). The new telecommunications law, passed on June 30, created opportunities for independent media, most notably by allowing local independent radio and television broadcasters to "network," or jointly produce and broadcast national programming, for 5 hours per day to compete with state-run television. However, the Government continued to control and manipulate the regulatory framework and the licensing of radio and television. In particular, the ruling party retained the ability to select the members of the managing council and the Council for Radio and Television for 3- to 5-year terms, and these members are to set prices and grant concessions through procedures that are still arbitrary and nontransparent.

Despite continued domestic and international protest, the Government took no steps to revise articles of the Penal Code that authorize the criminal prosecution of journalists who publish "state secrets" or insult the honor or dignity of the President, the Prime Minister, the Speaker of Parliament, or the Chief justices of either the Supreme Court or the Constitutional Court. Individuals may criticize the Government, although not always without reprisal. On May 6, a Zagreb court indicted four employees of Zagrebacka Banka for leaking confidential bank documents to the press in 1998. The court also indicted the reporter who wrote the article, which contained details about the undisclosed bank accounts of Ankica Tudjman, the wife of the President. There continued to be over 900 libel lawsuits against journalists and publishers, the majority continuing from previous years, filed by both government officials and private parties. The HDZ-sponsored laws, both criminal and civil, that permitted these suits were adopted in recent years amid criticism that they were overly broad. The HDZ has taken no action to amend or modify the laws. While defendants sometimes prevailed in such suits, the libel laws remained problematic because defending such cases represented a significant and ongoing financial and personal hardship for them. The Zagreb county court once again acquitted Davor Butkovic, editor of the weekly Globus, of criminal liability in March, ending his legal battle, which included a Government appeal of an earlier acquittal in 1998, leading to a "double jeopardy" trial for the weekly.

There are currently some 70 lawsuits (20 criminal cases and 50 civil cases) filed against the publishers of the independent satirical weekly Feral Tribune, with potential damages exceeding $2 million (14 million kuna) and an unspecified amount of legal and court costs involved.

The ruling party and businesspersons with close ties to it continued to maintain a virtual monopoly on printing and distribution of magazines and newspapers. Acute financial difficulties stemming from poor overall economic conditions created ongoing difficulties for the media. The distributor Tisak reached the point of insolvency, failing to pay publications, particularly independent publications, thus threatening their financial stability. The Tisak debt to independent weekly Nacional alone was over $500,000 (nearly 4 million kuna). A government bailout plan had not been implemented at year's end. The slow pace of the judicial process (see Section 1.e.) makes it extremely difficult for these publications to seek timely redress of their payment difficulties in the courts. Journals and publications also complained that they had little control over where their publications were sent, with large quantities at times being sent to remote villages, leaving the bigger, urban markets undersupplied.

In July the editor in chief of the Nacional stated that the independent print media, including Nacional, were under attack from the Government, which aimed to marginalize or eliminate independent media in the period prior to the parliamentary elections. Government harassment of Nacional intensified after the weekly ran a June article alleging that the Government rigged the Croatian soccer championship on orders from President Tudjman. The Ministry of Interior then launched an investigation of Nacional employees suspected of publishing a "state secret" and ordered police searches of Nacional offices and the homes of editor in chief Ivo Pukanic and his parents. In June authorities arrested Nacional's editor for his role in publishing alleged state secrets. On June 9, authorities arrested former Croatian Intelligence Service Director Miroslav Separovic for allegedly leaking "state secrets" about the soccer matches; authorities dropped the charges against Separovic in August (see Section 1.d.). Pukanic also was subjected to public death threats from the national soccer team's coach as a result of the soccer expose.

Police surveillance of journalists reportedly continued, with Nacional claiming that its journalists were under constant surveillance and that both their home and office telephones were tapped (see Section 1.f.).

On February 25, two unknown assailants beat a reporter and a photographer from the independent daily Jutarnji List. The two journalists had been taking photographs of a new house under construction that belonged to Assistant Defense Minister General Marinko Kresic for which allegedly he did not have a permit. The authorities arrested two suspects, and a military police spokesman denied that the attackers could have been members of that force.

The ruling HDZ party's control of the national electronic media continued to be pervasive and blatant. The HRT is the only national network and is the main source of news for 88 percent of the population. It broadcasts on three national television and radio channels. Technically under the control of Parliament, the HRT was, in practice, run by the ruling HDZ Party. The Government controlled the state network through the HRT Council which, like the Telecommunications Council, also was dominated by the HDZ. The HRT Council directly supervised operations and editorial content of state-run radio and television, effectively restricting access by opposition parties to criticize government policies (see Section 3). During the year, the growing realization that the HDZ might lose the upcoming parliamentary elections, fueled by polls showing the HDZ trailing, caused HDZ hardliners to consolidate their grip on the HRT. HRT coverage of the election campaign often was biased in favor of the HDZ party, but it improved noticeably over previous elections. A new HRT council was named in February, with a chairman who was a member of the HDZ party presidency, a new editor in chief who was a member of the HDZ main committee, and two new assistants who were HDZ hardliners.

In August the HRT announced that the news program One Plus One, which was subject to government censorship since mid-1998, would be cancelled. HRT also cancelled the respected programs of Ivo Loncar and Mirjana Rakic, the latter to be replaced with a progovernment commentator. The HRT took the program off the air on January 19 for a program it planned to broadcast which allegedly would incite "social disorder and violence" (the program included a pensioner's statement that an opposition party leader should be hung, among other things). The Telecommunications Council awarded the license for a fourth national channel to Nova TV whose owners are identified closely with the HDZ party. During the year, the much anticipated reform of the HRT law did not occur. This legislation would be a key step for reform of electronic media and overall democratization. The electronic media's HDZ bias continued to be a concern, although inflammatory language in the media that was designed to exacerbate ethnic tensions has decreased in recent years.

Both public and private radio and television stations coexist. The June Telecommunications Law permitted "networking" by independent broadcasters to achieve national coverage. Revenue collection also is skewed greatly in favor of the

HRT, which receives subsidies from government taxes on television (accounting for some two-thirds of the HRT's gross annual revenues), as well as some 80 percent of advertising revenue. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, since the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The enforcement arm of the Ministry of Finance, the financial police, often has been used by the Telecommunications Council to shut down stations deemed too critical of the Government, but there were fewer reports of such problems during the year. Journalists who sought reform of the HRT from within routinely were silenced and in many cases taken off the air while still on the HRT payroll.

Government censorship also influenced the independent media. On January 29, the Ministry of Traffic, Communications, and Maritime Affairs shut down Adriatic Television (ATV), a Split-based county-licensed television station. The official reason was that ATV had not paid its annual licensing fee of approximately $35,000 (217,000 kuna). However, opposition leaders and independent media observers speculate that the station was closed because opposition Croatian Social Liberal Party leader Drazen Budisa was scheduled to appear on a local program, titled, "Censorship." The National Association of Independent Television Stations and Forum 21 (an association of independent broadcast journalists) protested the decision and noted that while nonpayment is a legal basis for shutting down a station, the decision was unfair since the economic crisis and high licensing fees were destroying the independent electronic media. In February the editor in chief and his deputy of a local radio station in Varazdin were fired by the station's owners, functionaries of the HDZ party, after an interview with a Western diplomat was broadcast. In addition, on the day that an independent television station in Split planned to air a program with an appearance by an opposition politician, it was pulled off the air for nonpayment of its annual licensing fees. The station's director, an HDZ member, later cancelled the program.

Foreign newspapers and journals were available in larger urban areas throughout the country, although their high cost (about three times the price of local newspapers) made them expensive for most persons.

While academic freedom generally is respected, scholars reported that they were reluctant to speak out on political issues. Some scientists state that the government exerted subtle pressure on them through its control of research funds. In June the Dean of the Faculty of Philosophy at the University of Zagreb banned a panel discussion organized by a student group on the escalation of violence in the country, ostensibly because the panel discussants were not members of the academic community and because current political issues were not to be discussed at the university because its autonomy must be preserved. The Dean stated that such events would continue to be banned in the future.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly; however, the Government at times exercised arbitrary control to restrict this right during the year, although there were fewer incidents of such reports. The Government restricted this right by denying some groups access to Zagreb's main square and other gathering places. The lack of a clear policy to regulate such events and address questions of security and inconvenience, and the fact that HDZ party rallies and other public events have been staged regularly at these sites in the past, combined to make the government actions appear partisan and nontransparent. A new law on assembly that passed in October was only slightly less restrictive, since it permitted assembly for registered demonstrations at approved locations but did not make transparent the process for approving or denying such registration. However, this law was not applied in a way that noticeably favored the HDZ Party nor were those critical of the Government singled out for denial of permission to assemble, particularly in the period before the January 2000 parliamentary elections.

Numerous rallies and demonstrations took place throughout the country during the year, many of which were led by workers protesting poor social conditions and pay. On February 16, some 2,000 workers marched in Zagreb. When the group spontaneously decided to march to the square in front of the parliament building, where demonstrations are prohibited, they were met by some 200 police officers. Several police officers were injured, one seriously, in the ensuing scuffle. On March 31, the Constitutional Court overturned the law on peaceful assembly that had granted local governments the authority to decide the location of public gatherings. Public gatherings still must be approved in advance, but may only be restricted for security reasons, as decided by the Ministry of Interior. However, local officials continued to enforce the law, and denied access to strategic places in the city. In April shortly after the Constitutional Court's ruling, Zagreb authorities charged a prominent

union leader with a misdemeanor for organizing a protest in front of a government building. On June 8, textile workers from Duga Resa were blocked from protesting in Zagreb by a large cordon of policemen brought into the city from all over the country. Approximately 500 police blocked the protesters' passage through side streets to prevent them from reaching the main government square.

The Constitution provides for the right of association; however, legislation adopted in 1997 increased the Government's ability to restrict this right, although there were no reports that the Government used this law to hinder any organization during the year. The 1997 Law on Associations gives the Government broad powers to prevent the founding of an association and to monitor all aspects of an association once founded. There were no reports of the Government abusing this law against associations or NGO's during the year, but several NGO's observed that the mere process of registering is an intrusive and unnecessary form of governmental oversight. All associations of at least 10 persons must register their activities. An association's activities may be suspended administratively based on only a "well-founded" suspicion that the group's activities contravene the Constitution or the law. Until such time as the association proves itself innocent in a court of law, the Government can keep it closed indefinitely and dispose of its assets. The reregistration process is proceeding only slowly, and many local and international NGO's faced bureaucratic obstacles. According to the law, in the absence of any formal notification to the contrary, an NGO is to consider itself reregistered. However, without written confirmation of registration from the Ministry of Administration, NGO's face significant obstacles in their day-to-day functioning. Reports of harassment by the "financial police" (Finance Ministry officials who do not require a warrant in order to enter premises and examine records which can lead to the unilateral shutdown of the organization in question in advance of any due process) were fewer than in the past. In Osijek a human rights NGO was audited after its director took a new position with another NGO, for which President Tudjman had publicly expressed animosity. In a positive development, the Government established an office for NGO's that disbursed funding of approximately $1 million (7 million kuna).

c. *Freedom of Religion.*—The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism, Eastern Orthodox Christianity, and Islam are major faiths, and there is a small Jewish community. Croatian Protestants from a number of denominations and foreign clergy and missionaries actively practice and proselytize.

While there is no official state religion, approximately 85 percent of the population are Catholic, and the dividing line between the Roman Catholic Church and the State often had been blurred in the past. The ruling HDZ party periodically attempted to identify itself more closely with the Catholic Church. However, the Church more frequently sought an independent role for itself on political issues and was at times openly critical of the prevailing political climate. However, the Church has taken advantage of HDZ support to work actively to strengthen its influence elsewhere, such as in public schools. The head of the Catholic Church, Archbishop Josip Bozanic, was active in publicly promoting reconciliation and the return of refugees. In March the Archbishop met with Patriarch Pavle of the Serbian Orthodox Church, and in May he made a strong public challenge to the Government during his homily at a Statehood Day Mass attended by President Tudjman. In November the Croatian Catholic Bishops' Conference issued a statement calling on the faithful to participate in the December parliamentary elections and to overcome the "old, intolerant one-party mentality".

Religion and ethnicity are closely intertwined in society, but the majority of incidents of discrimination are motivated by ethnicity rather than religion (see Section 5). There were persistent reports of vandalism to Serb Orthodox cemeteries. The Ministry of Defense employed 19 Catholic priests to tend to Catholics in the military, but employed no Orthodox Christian or Muslim clergy. The Government requires that religious training be provided in schools, although attendance is optional. Schools are allowed to offer classes in minority religions if they fill the necessary quota of minority students. However, lack of resources, minority students, and qualified teachers generally impeded catechism in minority faiths, so the Catholic catechism was the one predominately offered. According to numerous reports, although not obligatory, students felt pressured to attend religious training. In a positive development in September, the Government instructed public schools that reached the minimum quota of Muslim students to sign work contracts with Muslim instructors. In the past, Muslim teachers were not paid by the Government while Catholic teachers were. Jewish officials noted that basic information provided to stu-

dents about Judaism is inaccurate, and their offers to improve the material went unheeded. There were several cases in which individual missionaries had difficulty in obtaining missionary visas, but it was unclear whether this was due to religious discrimination or bureaucratic inefficiency and failure by missionaries to fulfill all of the necessary requirements. Missionaries do not operate registered schools, but the Church of Jesus Christ of Latter-Day Saints provides free English lessons, often followed by religious instruction. The Muslim community has a secondary school in Zagreb; however, the Ministry of Education refuses to recognize the diploma from this school. Although in recent years the Government had discriminated against a particular group of Muslims in the issuance of citizenship documents, the Government began granting citizenship to them during the year. In the area of Topusko (in the region formerly occupied by rebel Serbs) most cases have been resolved of the approximately 2,500 Muslims who for several years were unable to obtain citizenship because their period of residency was interrupted by the military conflict.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

While there are no reports that the Government revoked citizenship for political reasons, the failure to act expeditiously to verify the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military actions in 1995 is an ongoing and serious concern. The Government in 1998 adopted procedures by which these individuals could confirm their citizenship and return to Croatia; however, the effects of this step were minimized by continued slow and uneven implementation. The Joint Working Group was superceded in 1998 by the Returns Coordination Committee, which was not very active during the year, although observers believe that it could prove useful in facilitating returns. There were no reports of cases during the year of deportation proceedings against male members of mixed marriages involving Muslims. In a positive step, in July the Government opened a full-time consulate in Banja Luka, Bosnia-Herzegovina and expanded consular operations in Belgrade, Serbia to process citizenship applications which are being filed at the rate of approximately 500 per week. While the wait time in Belgrade for a decision on an application improved somewhat late in the year, it was still as long as 3 months in some cases.

A significant number of internally displaced persons remain, although not all of these persons are under the Government's direct care. While the government reported in September some 77,000 persons (50,000 internally displaced and 27,000 refugees, mostly from Bosnia-Herzegovina and the FRY) with refugee or displaced person status, this number does not reflect fully an additional 140,000 former refugees who have become citizens of Croatia.

International monitors and NGO's assess that the rate of ethnic Serb departures from the Danubian region was somewhat less than in past years. However, monitors had difficulty tracking the departures because in January the Government stopped sharing relevant data. The ethnic Serb population in the region fell from a prewar number of 70,000 to about 50,000 at year's end. Approximately 60,000 persons displaced by the conflict fled to the Danubian region from other areas of the country, but most of these have since returned home or moved to the FRY. About 3,000 displaced persons remain in the region. An estimated 40,000 persons in the region have emigrated because of poor economic conditions combined with discrimination directed at ethnic Serbs. The number of Croatian Serbs emigrating to the United Kingdom surged to several hundred per month by mid-year, many of whom were assessed to be economic migrants. Apparently concerned that its citizens could lose visa-exempt travel privileges in Europe, the Government attempted to disrupt the emigration. In addition to continuing to issue only one-time travel documents rather than passports to refugees returning from the FRY and Bosnia-Herzegovina, there were persistent reports of harassment of departing Serbs by officials at Zagreb airport, including delaying passengers until they missed their flights. In November the United Kingdom imposed a visa requirement on Croatians entering that country. Ethnically motivated incidents directed at ethnic Serbs included verbal and legal harassment, forcible evictions, beatings, and three murders. During the year in the Danubian region, international monitors recorded 1,017 cases of ethnically motivated intimidations and housing disputes. This figure included approximately 61 physical assaults (see section 5). Within the region, half of all reported incidents were reported in the area of Vukovar alone. The village of Berak (on the outskirts of Vukovar) was the scene of numerous incidents against Serbs during the year, especially after Croat returnees began demonstrating in May over the issue of missing

persons. In the Danubian region, where ethnic Serbs were exempted from military service, there were occasional reports that local officials refused to issue passports to ethnic Serbs unless they could provide evidence of their military service.

Official government policy was that all citizens were free to return to their homes of origin throughout the country. However, in practice ethnic Serbs who departed during the military conflict and have since returned faced open discrimination and numerous bureaucratic obstacles in order to regain their property and the financial and health benefits to which all returnees are entitled under the law. In September, the OSCE reported that ethnic Serb refugees were generally able to return to the country but generally were not able to repossess their property. Half of all property repossession cases have been in the Danubian region where the Government's return program has been implemented selectively and where the majority of property claimants were ethnic Croats returning from other areas of the country. Incidents of beatings and even arson and bombing attacks against Serbs were reported, albeit less frequently than in the previous year (see Sections 1.a., 1.c., 1.f., and 5). Discrimination towards ethnic Serbs was apparent at all levels of the return process. During the year, over 70 percent of returns by internally displaced persons were to the Danubian region, and these returnees were overwhelmingly ethnic Croats. In December the Law on Expelled Persons and Refugees was amended so that some of its discriminatory measures were removed. However, earlier in the year the Government enacted an interpretation of the law that favored temporary occupiers of property over refugees wishing to return to their property. In addition, the Government failed to act to eliminate language in the Law on Areas of Special State Concern and the Law on Reconstruction that discriminates against ethnic Serbs, despite a commitment to change these laws by September 1998.

The OSCE assessed that while the organized return process worked well, persons returning outside this process were not always treated fairly. Systems established between the Government Office for Displaced Persons and Refugees (ODPR) and the UNHCR worked well. The ODPR processed an average of over 450 return applications per week and closely coordinated with the UNHCR to receive returnees (overwhelmingly ethnic Serbs) from the FRY and Bosnia-Herzegovina. However, the Government did not provide benefits and entitlements consistently in a timely manner to returnees. Of particular concern were the growing number of persons intending to return whose cases were deferred because their prewar homes were occupied by settlers or had been destroyed. The Government did not encourage actively the return of citizens who did not have arrangements for alternative accommodation.

There were persistent reports that humanitarian and reconstruction assistance was not distributed fairly by government agencies. The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance. However, the Government at times accused international organizations of bias in providing assistance only to ethnic Serb returnees.

The Government cooperates with the UNHCR and other humanitarian organizations assisting refugees. Although the Government has not yet passed legislation to implement the provisions of the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, the Government formed a working group with the UNHCR to develop such legislation in 1999. The ODPR reported that the Government granted first asylum to 29,000 persons from the various parts of the former Yugoslavia as of September and that it was supporting financially another 100,000 displaced persons (not counting displaced ethnic Serbs in the Danubian region). Faced with the refugee crisis in Kosovo, the Government, in consultation with the international community, agreed to accept up to 5,000 Kosovar refugees and had begun to do so when the crisis ended. However, the UNHCR reported one instance in which a Kosovar Albanian was refouled to the FRY where he was mistreated by authorities. The Government later acknowledged its mishandling of the case. On April 11 border guards refused entry to 18 Kosovar Albanian asylum seekers on the grounds that they lacked the proper documentation, and there were other reports of Kosovar Albanians being expelled to Bosnia-Herzegovina.

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

The Government's conduct of the flawed 1995 elections seriously limited the right of citizens to change their government. All citizens over 18 years of age have the right to vote by secret ballot. The President, elected for 5 years, exercises substantial power, authority, and influence but is limited constitutionally to two terms. Parliament comprises the (lower) House of Representatives and the (upper) House of Counties. During the year, the HDZ held a majority in both houses, and often the role of the HDZ as a political party was blurred with the role of the Government.

The HDZ continued to wield and expand its direct and indirect control over many aspects of public life including television and the press, banking, privatization, and the economy. However, on January 3, 2000 the ruling HDZ party lost parliamentary elections to an opposition coalition. In December President Tudjman, who was serving his second 5-year term, died in office. Tudjman was reelected President in June 1997 in an election judged to be "fundamentally flawed" and "free but not fair" by the OSCE. Elections to replace him were scheduled by February 7, 2000. During the year, the President's extensive powers, the HDZ's dominance, the Government's influence over the judiciary, and its control of the media combined to make the country's nominally democratic system in reality authoritarian.

The Government made some progress in addressing issues raised by the OSCE and other international organizations that have documented the flaws in the electoral system and criticized the 1997 presidential elections. The electoral law was based primarily on the compromise worked out in negotiations in May between the six largest opposition parties and the ruling HDZ party, although the final law reflected some changes made by the HDZ. Electoral laws previously had infringed directly on the right of citizens to change their government. The new electoral law passed by Parliament in October reduced the number of seats reserved for diaspora voters (some 2 percent of the population) from a fixed quota of 12 seats in Parliament (or some 10 percent of seats) to a nonfixed quota, which assigns diaspora voters a number of seats proportional to their share of the total electorate. In the 1995 elections, 90 percent of diaspora voters voted for the ruling HDZ. However, the law reduced the number of seats in Parliament reserved for the Serb minority. In addition, the Citizenship Law and electoral legislation grants citizenship, and thereby the franchise, based purely on ethnic grounds to ethnic Croats abroad with no genuine link to the country. Meanwhile the Government failed to ensure that Croatian Serbs, who fled in 1995 and who wish to assume the responsibilities of Croatian citizenship, were able to document their Croatian citizenship in order to vote and ultimately to return. The new election law also made provisions for independent monitoring by NGO's, the establishment of multiparty election commissions, and the elimination of separate, higher thresholds for coalitions.

In addition to the Government's interpretation and implementation of laws to suit the ruling party's agenda, the Government used its control of the electronic media to control the political process. Despite the May agreement to transform public radio and television into truly free and independent media, the June telecommunications law made only minor changes and the HDZ retained control over Croatian State Radio and Television throughout the year. Senior HDZ members were members of the board of directors of the state television network. Their influence not only restricted the ability of opposition parties to criticize government policies and activities, but limited the opposition's ability to fully engage the Government and the public in an open political dialog (see Section 2.a.).

Although there were no legal restrictions on participation by women or minorities in the political process, they are underrepresented in government and politics. There were only small numbers of women in Parliament, the executive branch, and the courts. In the Parliament that was dissolved in November, 4 of 68 upper house members and 11 of 127 lower house members were women.

The election law required minority representation in Parliament, with proportional representation for any minority that made up more than 8 percent of the population. No minority met that criterion. However, representation for the Serb minority was based on government estimates of the number of Serbs who fled the country between 1991 and 1995 and the assumption that they would not return. There were three lower house seats allocated to the Serb minority, and two Serb members were appointed to the upper house. However, the election law passed by the HDZ-dominated Parliament in October reduced the number of seats reserved for minorities in the Parliament from seven to five and of these, reduced the number of seats reserved for ethnic Serbs from three to one (less than 1 percent of the seats in the lower house), despite the fact that ethnic Serbs constitute approximately 6 percent of the country's population. Of the four remaining seats, one is reserved for the Italian minority, one for the Hungarian minority, one for the Czech and Slovak community, and one for the combined Russian, Jewish, German, Austrian, and Ukrainian minorities. There were no Muslim representatives in Parliament despite the fact that in the most recent census (1991) the country's 40,000 Muslims were the second largest minority after the Serbs, and the new election law did not reserve any minority seats for Muslims. Amendments to the Constitution passed by the HDZ-dominated Parliament in 1997 and adopted in 1998 excluded Muslims as a recognized minority (see Section 5).

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

Human rights groups throughout the country were able to work to prevent abuses and bring their concerns to the attention of local and central authorities, as well as to the attention of domestic and international media. The government-appointed Ombudsman met periodically with human rights representatives; the response of other ministries varied. Human rights groups reported that, while they may have received responses to specific cases, the Government generally failed to remedy the underlying institutional problems that were the root cause of many of the cases. For example, numerous NGO's repeatedly raised the issue of the government's failure to issue instructions to ministries and local authorities to implement the Law on Convalidation adopted in October 1997 (which would allow documents issued in the formerly occupied areas to be recognized or "convalidated" by government offices—see Section 5). In a positive development, a number of NGO's, the largest being Citizens Organized to Monitor Elections (GONG) and Voice 99 (Glas 99), were active in organizing preelection informational campaigns.

Under the law, it is difficult for NGO's to solicit contributions or donations to support their work. This is due in part to the fact that there is no tax benefit to donors. The NGO also must pay tax on contributions classified as income. Thus, many human rights groups rely on international donations and government funding to continue their work. Another problem is the public perception of human rights organizations. Senior government officials promoted the view that any criticism of the State or the ruling party was disloyal, engendering suspicion of NGO's among the general population.

International organizations, including the European Community Monitoring Mission (ECMM), the OSCE, and the UNHCR among others, operated freely in Croatia, and there were no reported instances of monitors being denied visas or the ability to move freely around the country. However, in the spring and summer there were a series of burglaries at offices of the OSCE, the UNHCR, and the Norwegian Refugee Council offices throughout the country, during which computers were stolen. In August the UNHCR and the OSCE requested an investigation amid press reports that government intelligence services may have conducted the burglaries. At year's end, the Government had not responded to this request and no arrests had been made. Officials of international organizations noted that the burglaries had a chilling effect on all international and nongovernmental organizations. While international organizations reported an overall satisfactory level of cooperation with officials in Zagreb, they also noted a lack of follow through on central government commitments by local authorities. OSCE police monitors operated in the Danubian region, monitoring the performance of the multiethnic police force. While cooperation generally was satisfactory, there were several incidents in which local police refused monitors' requests to review or fully investigate cases. As with local NGO's, the Government generally failed to respond substantively to international NGO reports of human rights abuses and tended to treat any specific case brought to its attention as an isolated incident.

Although the Government in general cooperated with international organizations and NGO's, especially in the spring and summer, these organizations again found themselves targets of criticism in the state-controlled press claiming that they were discriminating against Croats and in favor of ethnic Serbs in the distribution of humanitarian assistance. Some government officials, both at the national and local levels, fueled this negative attitude toward international organizations and NGO's with unhelpful statements calling for the Government to react strongly to what was viewed as inappropriate meddling in the internal affairs of a sovereign state. In September the president of a human rights organization in Zagreb received a threatening letter allegedly from members of the Croatian Party of Rights (HSP), after the organization had criticized the HSP for fomenting ethnic tensions. The Ministry of Interior referred the case to the police for investigation. There were no results of the investigation available at year's end.

The government-appointed Ombudsman addressed cases brought to his attention by the international community and local NGO's. However, the office continued to be weak, due to the small size of its staff and the Ombudsman's lack of legal authority to rectify problems directly. The Ombudsman was occasionally helpful in the analysis of legislation deemed to be detrimental to human rights causes. While the Government was perhaps somewhat more responsive to the Ombudsman than to NGO's, the overall response by the Government to the underlying problems raised by the Ombudsman remained unsatisfactory.

Committees in the Parliament and in the Government were tasked specifically with human and minority rights issues. Both met periodically throughout the year to discuss topics and legislation within their purview; however, neither played an

active role in promoting human rights during the year. The government committee failed to meet with a leading human rights NGO despite a previous agreement to do so.

The Government's record of cooperation with the ICTY was mixed during the year. In July a newspaper published the minutes of an October 1998 meeting of the government office for cooperation with ICTY, which revealed high-level discussions of a government strategy to obstruct the work of the ICTY. While the Government tried to minimize the importance of the minutes, calling them "merely internal discussions," the ICTY Chief Prosecutor noted that they perfectly described the Government's actual behavior. In August the President of ICTY reported the country's noncooperation to the U.N. Security Council. In November the Tribunal's Chief Prosecutor reported to the U.N. on Croatia's noncooperation. A few days later the Government refused an ICTY request to provide support and cooperation for a proposed field investigation in the country. The investigation was postponed. In a positive development, the Government transferred ICTY indictee Vinko Martinovic (also known as "Stela") as well as some requested documents to The Hague in August, albeit under pressure from the international community. However, at year's end the extradition of Mladen Naletilic (also known as "Tuta") had not been carried out due to Naletilic's poor health. ICTY requested the extradition of both Martinovic and Naletilic in December 1998. The Government failed to comply with a number of ICTY evidentiary requests, some dating to 1996. The Government has been particularly uncooperative in cases involving possible war crimes committed by Croats, and it has resisted ICTY requests for information regarding possible war crimes committed during and subsequent to operations "Flash" and "Storm" in 1995. Moreover, government officials welcomed persons who had been indicted by the ICTY for war crimes. In May Justice Minister Separovic headed a delegation which met Zlatko Aleksovski, an ethnic Croat convicted by the ICTY for crimes against prisoners of war, upon his return to the country. In September military officers participated in a ceremony in Siroki Brijeg, Bosnia-Herzegovina that included ICTY indictees among those being honored.

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

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. It adds that members of all national groups and minorities shall have equal rights. While the majority of these rights are observed in practice, serious deficiencies continued with regard to equality among various national/racial/ethnic groups, particularly Serbs and Roma. The Constitution provides for special "wartime measures" in case of need, but states that restrictions shall be appropriate to the nature of the danger and may not result in the inequality of citizenship with respect to race, color, sex, language, religion, or national or social origin.

Women.—Although the Government collected only limited statistics on the problem, informed observers believed that violence against women, including spousal abuse, remained common. One NGO that operated a hot line and support services for women assessed that spousal abuse continued to be a large and unrecognized problem. Alcohol abuse and poor economic circumstances for veterans of the military conflict were cited as contributing factors. In June a government commission on equality indicated to NGO's that it would recommend that the Government track statistics on violence against women; however, at year's end it had not yet done so.

Amendments to the Penal Code which went into effect in 1998 removed violence perpetrated within the family (except against children) from the categories of crimes to be prosecuted automatically by the state attorney. The victim now must file a request to prosecute, thereby severely curtailing efforts by health care workers and police to act on suspected cases of violence in the home. In May the Constitutional Court upheld the constitutionality of this procedure. The nonpartisan Parliamentary Women's Caucus promised to seek amendments of these laws, but at year's end had not yet done so.

Based on anecdotal evidence, it is likely that some women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Sexual harassment is a violation of the penal code section on abuse of position, but is not specifically included in the employment law. NGO's reported that in practice, women generally did not resort to the penal code for relief for fear of losing their jobs. In a positive development, the labor union of the Pliva pharmaceutical company signed a collective agreement that specifically forbids sexual harassment.

The law does not discriminate by gender. However, in practice women generally hold lower paying positions in the work force. Government statistics from previous

years showed that, while women constituted roughly 50 percent of the work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the workers. Considerable anecdotal evidence has suggested that women hold by far the preponderance of low-level clerical and shopkeeping positions, as well as primary and secondary school teaching jobs. Women reportedly are often among the first to be fired or laid off. NGO's and labor organizations reported a practice in which women received short-term work contracts renewable every 3 to 6 months, creating a climate of job insecurity for them. While men occasionally suffered from this practice, it was disproportionately used against women to dissuade them from taking maternity leave. Legislation was passed during the year limiting the use of short-term work contracts to a maximum of 3 years.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. One of the most active was B.a.B.e. ("Be Active, Be Emancipated").

Children.—The Government is committed to the welfare of children. Education is mandatory through age 14. Schools provide free meals for children, subsidized daycare facilities are available in most communities even for infants, medical care for children is free, and the Labor Code authorizes 1 full year of maternity leave and 3 years' leave for women with twins or more than two children.

The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exception. The Government blamed the problems of Roma largely on linguistic and cultural differences that make their integration in schools difficult. Romani children face some discrimination and problems, due largely to these cultural and linguistic barriers at school. The Government's commitments to children suffered from less funding than in the past, as other priorities took a larger portion of government resources.

There is no societal pattern of abuse of children.

People With Disabilities.—No legislation mandates access to buildings or government services for people with disabilities, and access to such facilities is often difficult. While people with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

Religious Minorities.—Religion and ethnicity were closely related, and religion frequently was used to identify and single out non-Croats for discriminatory practices (see Section 2.c.). This close identification of religion with ethnicity caused religious institutions to be targets of violence. There were persistent reports throughout the country of the damage and defacement of Serbian (Orthodox) cemeteries with an estimated six such incidents in the Danubian region in November and December alone. In August attackers with stones broke windows at the home of Mufti Sevko Omerbasic, the head of the Islamic community in the country. In September one person was detained as the investigation continued.

In Cakovec the memorial plaque at the site of the synagogue destroyed during the Hungarian occupation in World War II was desecrated in the first week of August. The plaque later was rehung. The police were searching for the perpetrators but have detained no suspects. The Jewish community in Cakovec was decimated during World War II and the synagogue was torn down.

The Government announced in March that it planned to restore a memorial at Jasenovac to the victims killed at that concentration camp during World War II. Retreating Serb forces destroyed the memorial and looted the camp museum in 1995. Premier Zlatko Matesa announced during his visit to the camp in March that the restoration of the memorial was part of the Government's "policy of reconciliation."

In October the Parliament approved the appointment to the Constitutional Court of hardliner Vice Vukojevic, who is known for leading a parliamentary commission established in 1991 to determine the number of persons killed in concentration camps run by the country's Fascist Ustasha during World War II. Vukojevic's commission provided very low estimates of the number of Croatians, including Jews, killed in all Croatian concentration camps; these estimates contradict all credible scholarship on the subject. The commission's report was criticized by the President of the Parliament, the press, and the director of the Simon Wiesenthal Center in Jerusalem. Faced with such criticism, the lower house of Parliament decided to return the report to the commission to be "completed."

National/Racial/Ethnic Minorities.—Constitutionally, ethnic minorities enjoy the same protection as other self-identified ethnic and religious groups; however, in practice a pattern of open and severe discrimination continues against ethnic Serbs and, at times, other minorities in a wide number of areas, including the administration of justice, employment, housing, and freedom of movement. The Government often maintained a double standard of treatment based on ethnicity. Members of mi-

nority groups in principle have equal constitutional protections with Croat citizens, and their ethnic rights are provided for in the preamble to the Constitution. However, the Government's definition of what constitutes a minority group is discriminatory. In 1998 the Parliament decided to omit Muslims, Albanians, and Slovenes from those minorities listed in the Constitution on the grounds that they are not considered indigenous groups. Muslims are currently the second largest minority group in the country after Serbs, and some observers argue that their elimination from the Constitution may deny them rights stipulated in the (albeit partially suspended) Constitutional Law on the Rights of Ethnic and National Communities or Minorities. Government committees established in 1997 to promote reconciliation and trust between Croats and Serbs were not effective. The OSCE assessed that there was a lack of political will to carry out the program, and that its organizational structures were either inoperative or nonexistent.

There were three ethnically motivated killings, which were symptomatic of ethnic tensions in the formerly occupied areas that discouraged persons from returning to areas where they would be a minority. In May in Marinci in the Danubian region a 59-year-old Serb resident was shot and killed by a Croat who maintained that he had fired in self-defense. The suspect was released on bail. At year's end an indictment had been issued in the case but no trial date was set. In August a 39-year-old Serb resident of Berak in the Danubian region was beaten to death reportedly by a gang of Croats. Local police arrested one suspect, who was in custody and indicted at year's end, but no trial date was set in the case. In November in Tenja in the Danubian region, a 60-year-old ethnic Serb resident was shot to death by a local Croat who was arrested soon thereafter. According to international monitors, both the police and the judiciary worked effectively on the case. On December 29, the suspect pled guilty to the crime and was sentenced to 10 years in prison. The OSCE assessed that a surge of violence in Berak, which included anti-Serb protests in May, an attack on a Serb police officer, and numerous instances of harassment, caused two-thirds of the village's Serb families to flee. In August anti-Serb demonstrations occurred in nearby Sotin. Both the Sotin demonstrations and the protests in Berak were motivated by the desire to pressure Serbs to provide information about ethnic Croats missing since the war. The Government not only failed to take concerted action to reduce these tensions, but Justice Minister Zvonimir Separovic stoked an already tense climate during two visits to the region when he called for vigils to continue.

Intimidation and violence against Serbs continued in the Danubian region during the year, especially in the spring, in Borovo, Beli Manistir, Cakovci, Sotin, and Mirkovci. In August a human rights NGO wrote to the Prime Minister about the atmosphere of increasing fear among Serb returnees in Knin in the southern region of the country. Incidents included destruction of crops and physical assaults, including the case of a 75-year-old woman who watched as her Bosnian Croat neighbors slaughtered her livestock with a chainsaw and the unsolved October arson of 10 haystacks that belonged to ethnic Serb returnees. The Helsinki Committee noted that the mayor of Knin failed to intervene to prevent such incidents. The mayor in April stated that Serb returns must be halted until all Croat war veterans could obtain housing, a plan that would violate Croatia's refugee return act. While the number of Serb returnees to the Knin area doubled to approximately 7,000 during the year, only a handful were able to return to their own homes, because the local housing commissions did not evict Bosnian Croats occupying their property.

The Constitution provides the legal basis and rights for education in the languages of national minorities and communities. The well-documented pattern of the discriminatory application of laws and administrative regulations was also evident in education. For example, in textbooks the history of the former Yugoslavia has been omitted in favor of a more nationalistic Croat interpretation, and new textbooks have tended to use derogatory adjectives in reference to minorities. In addition, apart from the Danubian region, there are still very few classes for Serb pupils that follow the approved Serbian school program. Serb students countrywide continued to use materials and follow the curriculum of the Croat students.

The Law on Citizenship distinguishes between those who have a claim to Croatian ethnicity and those who do not. The "Croatian people" are eligible to become citizens of the country, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Non-ethnic Croats must satisfy more stringent requirements through naturalization in order to obtain citizenship, even if they were previously lawful residents of Croatia in the former Yugoslavia (see section 1.d.). This double standard led to discrimination in other areas, in particular the right to vote (see section 3). While an application is pending, the applicant is denied rights such as social allowances, including medical care, pensions, free education, and employment in the civil

service. Denials were frequently based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). Persons returning under the Government's return program without citizenship status were denied returnee status and associated social benefits. These denials frequently were based on laws stipulating that citizenship can be denied for reasons of national interest and that a person's actions must demonstrate "attachment to the legal system and customs of Croatia" and that the person must have resided in the country for the 5 years preceding the application.

Unemployment among Serbs has been significantly higher than the national average (see Section 6.b.).

Committees established in 1997 to promote reconciliation between Croats and Serbs failed to initiate and carry out concrete programs that would contribute significantly to the peaceful reintegration of populations. Anto Djapic of the Croatian Party of Rights (HSP) mounted an aggressive campaign using ultranationalist rhetoric against the return of ethnic Serbs and cooperation with the ICTY war crimes tribunal. In inflammatory speeches given wide coverage in the state-controlled press, Djapic suggested that the HSP would organize "intervention" squads against ethnic Serb returnees and would charge Serb politicians with war crimes. There was no strong government effort to criticize or distance itself from these statements.

Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. OSCE monitors reported a decrease in the number of ethnically motivated incidents over previous years, but verbal and legal harassment, forcible evictions, and assaults occurred regularly (see Section 2.d.). During the year in the Danubian region, international monitors recorded 1,017 cases of ethnically motivated intimidations and housing disputes. This figure included approximately 61 physical assaults and several incidents of grenade throwing onto property. In cases throughout the country, regardless of ethnicity, incidents of looting by the person occupying a home upon his or her departure were common. Police responses were often inadequate due to conflicting instructions on how to handle disputes over housing. The bias of some local officials and the inability of police to rectify the problems underlying the harassment caused many incidents to go unreported.

Despite the adoption in October 1997 of legislation that would allow the recognition of legal and administrative documents issued by the rebel Serb para-state, this legislation was not put into practice because several ministries failed to adopt implementing instructions. For example, ethnic Serbs who lived in the occupied regions must have applied for welfare benefits within 1 year of the law's passage. However, 1 year later many Serbs who had fled were still unable to return to Croatia and thus unable to apply. In August one NGO providing legal assistance had files on 9,000 unresolved convalidation cases in Osijek alone. Without the convalidation conferred by the law, citizens (almost exclusively ethnic Serbs) were unable to resolve a wide range of problems including pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. This made resumption of a normal life almost impossible for this group (see Section 4). Serb property owners displaced by the Law on the Temporary Takeover of Specified Property in favor of ethnic Croat refugees remained unable to access their property, despite the 1998 program for returns, which mandated multi-ethnic "housing commissions" to implement property restitution. A lack of alternative housing in many areas and the lack of political will to evict ethnic Croat occupiers without alternative housing in favor of Serb homeowners resulted in only a handful of restituted properties outside of the Danubian region (see Section 1.f.).

Although in recent years the Government had discriminated against a particular group of Muslims in the issuance of citizenship documents, the Government began granting citizenship to them during the year (see Section 2.d.).

The situation of other minority groups—Slovaks, Czechs, Italians, and Hungarians—did not reflect discrimination to the same extent as that of the Serb community. There were NGO and press reports of incidents of police officers beating Roma. According to press reports in August, ethnic Croatian police officers in the Baranja region beat Roma. In one incident an ethnic Croatian police officer allegedly beat a Rom and threatened him at gunpoint. The Rom reportedly filed a complaint against the officer with no known result. In another incident police officers reportedly assaulted two Roma, whom they had caught fishing illegally. Roma continued to face discrimination and failure by the Government to respond to their complaints.

In September a human rights NGO reported that the persecution of Roma in the Danubian region increased over the past 2 years. Incidents cited included assaults, harassment, and destruction of homes by ethnic Croats who blame the Roma for remaining in the region while it was under Serbian occupation. Before the war, 10,000 Roma lived in the region, but only 1,500 remain with thousands fleeing to the FRY since the Government regained control of the area in 1998. According to a Roma rights NGO, in the village of Popovac in the Danubian region where some 30 families lived before the war, only 3 remain after numerous incidents of violence and intimidation, including at attack on a Romani police officer in 1998. There are persistent reports of police intimidation.

Section 6. Worker Rights

a. *The Right of Association.*—All workers are entitled to form or join unions of their own choosing without prior authorization. There is an active labor movement with one major and four minor national labor federations and independent associations of both blue- and white-collar members. Approximately 64 percent of workers are members of unions of one type or another. In general unions are independent of the government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. More importantly, the Supreme Court has ruled that workers may not strike for nonpayment of wages, a continuing problem that is likely to grow if the economy sinks deeper into recession. The only recourse in the event of nonpayment is to go to court—a process that may take several years.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for a tripartite commission of labor, business, and government representatives to appoint one. However, nearly 4 years after this law became effective, the tripartite commission still had not established the required list of mediators, and union requests for their appointment have gone unanswered. In fact the commission has not met for over 1 year. In practice, both unions and managers often ignore the mediation process and deal directly with each other when a conflict arises. Arbitration is never mandatory but can be used only if both sides agree. Only after submitting to mediation and formally filing a statement that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages, although no strikes were found to be illegal during the year.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. Strikes occurred fairly frequently and increasingly without government sanction. A September strike at a food processor near Vukovar over unpaid wages and unfulfilled government promises brought Serbs and Croats together, a rare instance of ethnic cooperation in the Danubian region. Authorities continued to refuse to permit demonstrations in Zagreb's main square or the square in front of Parliament. On February 16, some 2,000 workers marched in Zagreb, protesting the bankruptcy of the Diona retail food chain. When the group spontaneously decided to march to the square in front of the parliament building, where demonstrations are prohibited, they were met by some 200 police officers. Several police officers were injured, one seriously, in the ensuing scuffle (see Section 2.b.). On December 2, more than 1,000 employees of the Nama department store chain protested in Zagreb to demand payment of back wages. Government officials had announced on December 1 that the Croatian Privatization Fund only had enough money to pay half of the amount due to some 2,000 employees of the Nama chain.

After more than 5 years of negotiations, representatives of the five Croatian trade union confederations signed an agreement in July dividing Communist-era trade union office space. A 1998 law, however, transferred title of all union property to the government until an agreement among the unions can be approved by parliament. Union leaders in May contended that land registers demonstrate a government plan to confiscate the property permanently. The unions appealed to the International Labor Organization (ILO); in September a decision was still pending.

Unions may affiliate freely internationally.

b. *The Right to Organize and Bargain Collectively.*—Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The transition to private enterprise and a free market economy kept labor unions under pressure at the same time that they were making progress towards establishing themselves as genuine trade unions, representative of their members rather

than the Government. General unemployment remained the most significant hurdle, hovering at about 19 percent for most of the year. However, in some war-affected areas the figure was as high as 80 to 90 percent. Over 100,000 workers (10 percent of the workforce) failed to receive their salaries on time. When salary payments are not made, payments into the social welfare system lag as well, thereby denying workers health coverage.

The Labor Code directly deals with antiunion discrimination issues. It expressly allows unions to challenge firings in court. However, according to persistent reports, ethnicity was used as grounds for dismissal. An individual's ability to rectify a grievance is severely limited by the already overburdened court system, where cases languish for months or years before they are resolved (see Section 1.d.).

The Government occasionally employs coercion or other questionable methods to induce striking employees to return to work. For example, the management of Croatian railroads routinely interviews workers, often with a policeman present, about their intentions before, during, and after short-term strikes that are frequently called by the railway union. In April during tense contract negotiations with Croatian railroads' management, the vice president of the Locomotive Engineers Union was beaten severely with metal bars by unknown assailants. In June when the Tourism and Catering Trade Union initiated a strike at two tourist companies over mismanagement and nonpayment of wages, Minister of Tourism Herak warned the union's president that she would be slandered publicly if the strikes continued.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and there generally were no reports of these practices; however, there were occasional instances of women trafficked through the country for the purpose of forced prostitution (see Section 6.f.). While legislation does not explicitly cover children, the constitutional ban provides blanket coverage in this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for the employment of children is 15 years, and it is enforced by the Ministry of Labor and Social Welfare. Under the Constitution, the provisions of which the Government enforces, children may not be employed before reaching the legally determined age and are not allowed to perform work that is harmful to their health or morality. There is no reported pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is free, universal, and mandatory up to the age of 14. Children generally finish secondary school at a minimum, and a high proportion go on to university. The broad constitutional prohibition against forced or compulsory labor encompasses the case of children, and there were no reports of its use.

e. *Acceptable Conditions of Work.*—In March the government signed a collective bargaining agreement establishing a minimum wage of about $211 (1,500 kuna) per month. While the initial document was signed on behalf of only a portion of the work force, the Government extended the agreement to cover all full-time workers nationwide. The Government Bureau of Statistics estimated that the average net monthly wage was approximately $425 (3,039 kuna), which is not sufficient to provide a decent standard of living for a worker and family.

National regulations provide for a 42-hour workweek including a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers receive time-and-a-half pay for any hours worked beyond 42. Most unions, however, have negotiated a 40-hour workweek.

Health and safety standards are set by the government and are enforced by the Ministry of Health. In practice industries are not diligent in meeting standards for worker protection. It is common, for example, to find workers without hardhats at construction sites and equipment with safety devices removed. Workers can in theory remove themselves from hazardous conditions at work. Workers would have recourse to the courts in a situation where they felt that they had been wrongfully dismissed for doing so.

f. *Trafficking in Persons.*—Laws can be used to prosecute traffickers in persons, and trafficking in persons was not a significant problem during the year. There is little information available on trafficking, although U.N. officials tracking the issue regionally indicate that Croatia is a lesser source, transit, and destination country for some women trafficked to other parts of Europe for forced prostitution. International police monitors did not report any individual cases of trafficking in persons during the year. However, there were reports of women trafficked through Bosnia-

Herzegovina to Croatia, where they remain to work as prostitutes or are trafficked on to other destinations. One NGO reported six cases of trafficking during the year.

CYPRUS

Prior to 1974, Cyprus experienced a long period of intercommunal strife between its Greek and Turkish Cypriot communities. In response the United Nations Force in Cyprus (UNFICYP) began peacekeeping operations in March 1964. The island has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since 1974 the southern part of the island has been under the control of the Government of the Republic of Cyprus. The northern part is ruled by a Turkish Cypriot administration. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC"), which is recognized only by Turkey. The two parts are separated by a buffer zone patrolled by the UNFICYP. A substantial number of Turkish troops remain on the island. In both the government-controlled area and in the Turkish Cypriot community democratic principles generally are respected. Glafcos Clerides was reelected president of the Republic of Cyprus in February 1998; in 1995 Turkish Cypriots reelected Rauf Denktash as their leader. The judiciary is independent in both communities.

Police in the government-controlled area and in the Turkish Cypriot community are responsible for law enforcement. Police forces operating in the government-controlled area are under civilian control, while military authorities direct Turkish Cypriot police forces. In general the police forces of both sides respect the rule of law, but instances of police abuse of power continued.

Both Cypriot economies operate on the basis of free market principles, although in each community there are significant administrative controls. The government-controlled part of the island has a robust, service-oriented economy, with a declining manufacturing base and a small agricultural sector. Tourism and trade generate 21 percent of gross domestic product and employ 27 percent of the labor force. In 1998 per capita income was approximately $13,600, inflation was 2.2 percent, and unemployment was 3.3 percent. Growth in 1998 rose to 5 percent, compared with 2.3 percent in 1997. The Turkish Cypriot economy, which is handicapped significantly by an economic embargo by the Greek Cypriots, relies heavily on subsidies from Turkey and is burdened by an overly large public sector. It, too, is basically service-oriented but has a relatively smaller tourism and trade base—accounting for 16 percent of gross domestic product and employing 10 percent of the work force—and a larger agricultural sector. In 1998 per capita income in the north was approximately $4,000, and inflation was 66 percent. The economy in the north grew 5.3 percent in 1998 compared with 3.8 percent in 1997.

The Government of the Republic of Cyprus generally respected citizens' human rights; however, instances of police brutality continued to be a problem.

The Turkish Cypriot authorities generally respected human rights; however, police abuse of suspects' and detainees' rights continued to be a problem. The authorities also continued to restrict freedom of movement. Since December 1997, the Turkish Cypriot authorities have banned most bicommunal contacts between Turkish Cypriots and Greek Cypriots, including previously frequent meetings in Nicosia's buffer zone. They sometimes attempted to prevent Turkish Cypriots from travelling to bicommunal meetings off the island as well. In 1998 Turkish Cypriot officials also instituted a new, higher fee system for "visas" at the main Nicosia checkpoint, making it more expensive for both sides to cross the buffer zone. The Turkish Cypriot authorities have taken some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but the treatment of these groups still falls short of Turkish Cypriot obligations under the Vienna III Agreement of 1975.

Violence against women and trafficking in women for forced prostitution remained problems in both areas.

RESPECT FOR HUMAN RIGHTS

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

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

Turkish Cypriot authorities still have not conducted a credible investigation of the 1996 murder of a prominent leftist Turkish Cypriot journalist, Kutlu Adali, who wrote articles critical of Turkey's role in the north and particularly on the role of

the Turkish military and of policies that allowed large numbers of Turkish workers into the north.

In 1996 Turkish Cypriot civilian police killed a Greek Cypriot demonstrator who entered the U.N. buffer zone, and the police participated in the beating death of another. Again, there has not been any significant investigation by Turkish Cypriot authorities of the killings. The family of one of the deceased filed a case against Turkey in the European Court of Human Rights, which declared the case admissible in June.

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

c. *Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Both the Constitution of the Republic of Cyprus and the basic law governing the Turkish Cypriot community specifically prohibit torture, the law in both communities prohibits such practices, and the authorities generally respect these provisions in practice; however, there continue to be instances of Cypriot police brutality against suspects in detention, mostly involving non-Cypriots. One officer is on trial in connection with the October 1998 beating of illegal immigrant detainees by members of a special police unit (see Section 2.d.).

Official action still is pending against the Cypriot police involved in a 1995 case of torture of a suspected Turkish Cypriot drug smuggler, Erkan Egmez. Egmez was released and returned to the north. He filed a complaint against the Cypriot Government with the European Commission of Human Rights, and the Commission ruled it admissible in 1998.

The Commission also agreed in January 1998 to investigate complaints by nine Turkish Cypriots that Greek Cypriot police mistreated them in 1994 and expelled them to the north. The complainants allege that they were threatened with death if they returned to the south and that Greek Cypriot police were responsible for the death of one complainant's son, who returned to the south later in 1994. The Cypriot Government denies all of the charges; the Commission took oral evidence in the case in Nicosia in September 1998.

In all of its cases, the Commission's admissibility ruling makes no judgment on the merits of the individual case.

While there were no public allegations of police brutality in the Turkish Cypriot community, there were credible reports of pervasive police abuse of power and routine harsh physical treatment of detainees (see Section 1.d.).

Prison conditions in general meet or exceed minimum international standards. Persons incarcerated in jails in the south on minor charges reportedly are mixed with more hardened, violent criminals.

The Cypriot government and the Turkish Cypriot authorities permit prison visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—Republic of Cyprus police respect laws providing for freedom from arbitrary arrest and detention. Judicially issued arrest warrants are required. No one may be detained for more than a day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. Attorneys generally have access to detainees; bail is permitted. The Government of Cyprus claims the right to deport foreign nationals for reasons of public interest whether or not they have been charged with or convicted of a crime.

Some abuses of power occur at the hands of the Turkish Cypriot police, generally at the time of arrest. Suspects often are not permitted to have their lawyers present when testimony is being taken, a right provided under the Turkish Cypriot basic law. Suspects who demand the presence of a lawyer are threatened routinely with stiffer charges or even physically intimidated. A high percentage of convictions in the Turkish Cypriot community are obtained with confessions made during initial police interrogation under these conditions. According to credible reports, the police also routinely abuse their authority to hold persons up to 24 hours before having to go before a judge. Police officers use this tactic against persons believed to have behaved in a manner deemed insulting to the officer. The suspects then are released within 24 hours without charges having been filed.

Exile is prohibited specifically by the Constitution and by the basic law governing the Turkish Cypriot community and is not used.

e. *Denial of Fair Public Trial.*—The judiciary is legally independent of executive or military influence in both communities, and it is independent in practice.

On both sides, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. No special courts exist for security or political offenses.

Cyprus inherited many elements of its legal system from the United Kingdom, including the presumption of innocence, the right to due process, and the right of appeal. Throughout Cyprus, a fair public trial is provided for in law and accorded in

practice. Defendants have the right to be present at their trials, to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense.

On the Turkish Cypriot side, civilians deemed to have violated military zones or military regulations are subject to trial in a military court. These courts consist of one military and two civilian judges and a civilian prosecutor. Members of the Turkish Cypriot bar have complained that civilian judges tend to defer to their military colleagues in such hearings.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community include provisions protecting the individual against arbitrary interference by the authorities, and a judicial warrant is required for a police official to enter a private residence. Although authorities on both sides generally respected these provisions in practice, police on both sides on occasion have subjected members of the other community resident in their area to surveillance (see Section 5).

The Turkish Cypriot authorities restrict the ability of Greek Cypriots and Maronites living in the north to change their housing at will (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Freedom of speech and of the press are provided for by law, and these rights are respected in practice throughout the island. The proliferation of party and independent newspapers and periodicals in both communities enables ideas and arguments to circulate freely. Opposition papers frequently criticize the authorities. Several private television and radio stations in the Greek Cypriot community compete effectively with the government-controlled stations. Since 1997 seven private radio stations have operated in the Turkish Cypriot community, in addition to two smaller, university-run stations, and four private television stations. International broadcasts are available without interference throughout the island, including telecasts from Turkey and Greece.

In 1998 Turkish Cypriot officials filed a number of court actions against newspapers and journalists, alleging that certain articles "damaged the prestige of the state." Five complaints against one newspaper were consolidated into one action, and a trial was held. In December the court ruled that the newspaper was liable and fined it approximately $215,000 (120 billion Turkish lira). The same newspaper also faces charges for a 1998 story alleging that Turkish Cypriot soldiers assaulted a Turkish Cypriot family after a dispute over housing.

Intermittent restrictions were imposed on the ability of some journalists to cross the buffer zone to cover news events. The Cypriot Government denied entry to the south for visiting Turkish journalists who arrived in Cyprus through ports of entry in the north; in retaliation, Turkish Cypriot authorities sometimes required Greek Cypriot journalists to purchase a "visa" to enter the north, which the journalists refused to do. Current Turkish Cypriot policy, while applied inconsistently, is to permit Greek Cypriot journalists travelling as a group to cover events in the north without paying a crossing fee, but not to allow Greek journalists unless they pay the fee. Individual Greek Cypriot journalists usually also must pay the fees.

Academic freedom generally is respected throughout the island.

b. *Freedom of Peaceful Assembly and Association.*—The freedom to hold meetings, associate, and organize is protected by law, and the Government respects these rights in practice.

Although Turkish Cypriot authorities also generally respected these rights, they imposed restrictions on bicommunal meetings (see Section 2.d.).

c. *Freedom of Religion.*—Freedom of religion generally is respected. The Constitution of the Republic of Cyprus recognizes five religions that are exempt from taxes and receive government subsidies. Other religions may register routinely as nonprofit organizations and receive tax exemptions, but not subsidies. In the Turkish Cypriot area, no religion is recognized in the basic law, but Islamic institutions receive tax exemptions and subsidies through the Wakf religious trust; no other church receives exemptions or subsidies. Although missionaries have the legal right to proselytize in both communities, missionary activities are monitored closely by the Greek Cypriot Orthodox Church and by both Greek Cypriot and Turkish Cypriot authorities.

Turkish Cypriots residing in the southern part of the island and non-Muslims in the north are allowed to practice their religions. Restrictions on the right of Greek Cypriots resident in the north to visit Apostolos Andreas monastery were eased in 1998. They now may visit the monastery without restriction. Maronites may not visit certain religious sites in the north located in military zones. Armenians may

not visit any religious sites in the north. A Greek Cypriot request to replace a retiring Orthodox priest in the north has been pending for more than 2 years.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—Greek Cypriots and Turkish Cypriots enjoy freedom of movement within their respective areas. Both authorities respect the right to travel abroad and to emigrate. Turkish Cypriots have difficulty traveling to most countries because travel documents issued by the "Turkish Republic of Northern Cyprus" are recognized only by Turkey. Most Turkish Cypriots use Turkish travel documents instead.

The Republic of Cyprus authorities discourage travel to the northern part of the island. They permit only day travel by tourists to the north, sometimes arbitrarily refuse permission to non-Cypriots to cross to the north, and pressure foreigners working in Cyprus not to cross to the north. They have declared that it is illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who have entered Cyprus from the north. Following the 1994 murder of the director of a Greek Cypriot association supporting Kurds in Turkey, the Greek Cypriot authorities placed significantly tighter controls on the movement of Turkish Cypriots to the south. Institutions and individuals sponsoring visits of Turkish Cypriots to the government-controlled area must notify the police in advance and provide them with an exact itinerary.

Turkish Cypriot authorities generally allow visits to the north by persons who initially enter Cyprus in the south, but they have denied entry to persons of Turkish Cypriot origin who enter Cyprus in the south. Previously, visitors of Greek Cypriot or Armenian origin, or even persons having Greek or Armenian names, faced considerable difficulties entering the north. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled area. However, implementation of the procedures remains inconsistent.

In 1998 the Turkish Cypriot leadership instituted a system of "visa" fees at the main Nicosia checkpoint. In addition to requiring substantially higher fees (approximately $24 [15 pounds sterling] for Greeks and Greek Cypriots, and $6.50 [4 pounds sterling] for Turkish Cypriots travelling to the south), the plan requires Greeks and Greek Cypriots to obtain a formal "TRNC visa" to visit the north. Maronites pay a lesser fee—$6.50 (4 pounds sterling) per visit if over age 18, or $48 (30 pounds sterling) for an annual family pass. Greek Cypriots, Maronites, and other non-Turkish Cypriots permanently residing in the north can obtain a monthly crossing permit for approximately $16 (10 pounds sterling). The new system initially reduced overall crossings, especially for Maronites visiting from the south, for whom travel previously had been free. However, the number of Maronites crossing from the south increased in 1999. Requests to cross into the north must be submitted 48 hours in advance.

Following an agreement in 1997 on reciprocal visits to religious sites, a number of visits occurred during the year. The Cypriot Government permitted over 1,200 Turkish Cypriots to make a pilgrimage to a Moslem shrine in the south in March, and allowed another 1,300 to travel in June. In April a group of approximately 1,300 Greek Cypriots visited the Apostolos Andreas monastery in the north. In August almost 1,000 Greek Cypriots traveled to the monastery, and in November another group of 1,700 visited as well.

In 1996 the European Court of Human Rights (ECHR) ruled 11 to 6 that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located in north Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. The Court also found in this case that "it was obvious from the large number of troops engaged in active duties in northern Cyprus that the Turkish army exercised effective overall control there. In the circumstances of the case, this entailed Turkey's responsibility for the policies and actions of the 'TRNC.'" In July 1998 the Court ordered Turkey to pay the woman approximately $915,000 in damages and costs by October 28, 1998. The Turkish Government stated that it cannot implement the Court's decision, which it contends is a political decision, and argued that the land in question is not Turkish but is part of the "Turkish Republic of Northern Cyprus." The Council of Europe (COE) during 1999 continued to call on the Turkish Government to comply with the Court's decision. In October the COE Committee of Ministers' Deputies voted to deplore Turkey's lack of compliance. A number of similar cases have been filed with the ECHR.

Turkish Cypriot authorities in the past had approved most applications for Turkish Cypriots to participate in bicommunal meetings in the U.N.-controlled buffer zone, but on December 27, 1997, they suspended Turkish Cypriot participation in these meetings, pending a reevaluation of bicommunal activities. The "suspension"

soon became an effective Turkish Cypriot ban on bicommunal contacts on Cyprus. Whereas in 1997 thousands of Greek Cypriots and Turkish Cypriots participated in bicommunal events, in which mixed groups met to discuss such topics as the environment, family violence, management techniques, business operations, and legal questions, the Turkish Cypriot ban halted almost all of those contacts. In addition to the ending of bicommunal events in the buffer zone, Turkish Cypriots may not visit the south for bicommunal contacts and Greek Cypriots may not visit the north for such contacts (unless they purchase a Turkish Cypriot "visa"). Turkish Cypriot authorities also attempted to interfere with some bicommunal events taking place outside Cyprus by prohibiting civil servants from participating. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicommunal events. Private citizens have been allowed to travel to off-island bicommunal events.

Restrictions on the approximately 600 Greek Cypriots and Maronites living in the north were eased in recent years. Turkish Cypriot authorities usually grant the applications of Greek Cypriot residents in the north to visit the government-controlled area. The limit on visits to the south was extended in 1998 from 15 days per month to a total of 6 months per year. The applicants must return within the designated period or risk losing their right to return and to keep their property, although this rule rarely is enforced in practice. Turkish Cypriot authorities also eliminated the previous monthly limit on visits by close family relatives of Greek Cypriots resident in the north (it was once per month until 1996 and twice per month thereafter). A limit on overnight stays also was dropped. Greek Cypriots visiting from the south still may not travel in the north in their personal vehicles but must use taxis or buses and pay the crossing fee.

Similar restrictions exist for visits by Maronite residents of the north to the government-controlled area, but they are applied much more loosely than restrictions on Greek Cypriots, and Maronite travel is relatively free. However, Maronite residents also must pay the required crossing fees.

While in the past Turkish Cypriot authorities permitted school holiday and weekend visits to the north only by children under the ages of 16 (male) and 18 (female), the age limits for Maronite students and female Greek Cypriot students were lifted entirely in 1998. Male Greek Cypriot students still may visit the north only until age 16, since they are eligible for Greek Cypriot military service at age 17 and therefore are considered to be possible Greek Cypriot soldiers by the Turkish Cypriot authorities. Students pay a lower fee to cross the buffer zone, approximately $3.00 (2 pounds Sterling).

According to regulations announced in October 1998, the Turkish Cypriot authorities no longer require Greek Cypriots or Maronites residing in the north to obtain police permits for internal travel in the north. They may use private vehicles registered and insured in the north. Implementation of the new policy has been inconsistent but appears to be improving.

Although asylum legislation remains pending in the legislature, the Government of Cyprus regularly grants de facto first asylum. However, in 1998 and 1999 there were several instances in which groups of illegal immigrants attempting to reach Western Europe instead landed on Cyprus after their overcrowded vessels encountered problems at sea. The largest such group numbered over 100 persons, all of whom applied for political asylum after arriving in June 1998. After several months of detention in a hotel, during which representatives of the U.N. High Commissioner for Refugees (UNHCR) interviewed the immigrants, only 23 were granted asylum, and a large group was transferred to a jail. Most of those who did not receive asylum were deported against their will in late 1998 and early 1999. Prior to that, in October 1998, a special police unit was filmed by local television cameras kicking and beating the detainees with batons, while stopping a protest during which the detainees burned their bedding. An examination of the immigrants, mostly Africans, by a forensic pathologist revealed that most were injured, some seriously. The Attorney General ordered investigations into both incidents, and charges were brought against the officer in charge. His trial on charges of dereliction of duty opened in September and continued at year's end.

With the increasing number of illegal immigrants finding their way to Cyprus in small boats, the Government of Cyprus is receiving a growing number of asylum appications: 300 to 400 per year. These cases are referred to the local UNHCR office for evaluation. If applicants meet the criteria for refugee status, they are permitted to remain and are given temporary work permits. However, applicants generally are not granted permanent resettlement rights: The Government claims that it already has enough responsibilities in caring for those displaced after the 1974 Turkish intervention. Applicants are permitted to remain until resettlement in another country can be arranged. In both the north and the south, authorities cooperated with

U.N. refugee authorities. The UNHCR is developing improved procedures for dealing with asylum seekers in the north, and is aware of two such cases in the north during the year.

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

Multiparty political systems exist throughout Cyprus. Under the Republic's Constitution, political parties compete for popular support actively and without restriction. Suffrage is universal, and elections are held by secret ballot. Elections for the office of president are held every 5 years; in February 1998 President Clerides won reelection to a 5-year term. Elections for members of the House of Representatives are held every 5 years or less.

The Turkish Cypriots living in northern Cyprus elect a leader and a representative body every 5 years or less; in December 1998 they chose a new "National Assembly." In 1995 Turkish Cypriot voters elected Rauf Denktash as their leader in elections deemed by observers to be free and fair.

Under the 1960 Constitution, voting took place on a communal basis. Therefore, since the breakdown in 1963 of bicommunal governing arrangements, and since the 1974 de facto partition of the island, Turkish Cypriots living in the government-controlled area are barred from voting there, although they may travel to the north to vote in elections. Similarly, Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections. They are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. They also may choose their own village officials, but those elected are not recognized by the Government of Cyprus.

In both communities, women face no legal obstacles to participating in the political process. While clearly underrepresented in government, they hold some cabinet-level, judicial, and other senior positions. In the House of Representatives, women hold 4 of 56 seats; in the "National Assembly" in the north, women hold 4 of 50 seats.

In addition to their normal voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elect special nonvoting representatives from their respective communities.

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

Organizations in both parts of the island consider themselves human rights groups; however, they generally are concerned with alleged violations of the rights of their community's members by the other community. Groups with a broad human rights mission include organizations promoting awareness of domestic violence and others concerned with alleged police brutality.

No restrictions prevent the formation of human rights groups. Representatives of international human rights organizations have access throughout the island.

The United Nations, through the autonomous tripartite (United Nations, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), is attempting to resolve the missing persons dilemma that remained from the intercommunal violence beginning in 1963–64 and the events of July 1974 and afterwards. The CMP has made little progress. However, in November the CMP met formally for the first time since early 1996 and agreed in principle to resume investigations in 2000. In July 1997 the leaders of the Greek and Turkish Cypriot communities agreed to collect and share information on missing persons by the end of September 1997, outside of the CMP process. The information finally was exchanged in January 1998. Further progress has been delayed due to Turkish Cypriot reluctance to proceed without a full accounting first of who may have been killed in internal Greek Cypriot fighting in July 1974 prior to the landing of Turkish forces on Cyprus. In June and July the Government of Cyprus conducted exhumations of gravesites in the south that may contain the remains of persons missing since 1974. One previously unidentified Greek Cypriot has been identified through DNA testing; DNA testing continues on additional remains.

A report by the European Commission of Human Rights, released in September, held Turkey responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The result of a complaint by the Government of Cyprus, the report rejected the Turkish argument that the "TRNC" is an independent state and instead ruled that it is "a subordinate local administration of Turkey operating in northern Cyprus." Turkey was held responsible for continuing human rights violations against Greek Cypriots missing since 1974, and their surviving relatives, and for violations concerning the homes and properties of displaced Greek Cypriots from 1974, as well as for violations of the rights of Greek Cypriots

still living in north Cyprus. The report was to be referred to the European Court of Human Rights for a binding decision, a process that may take several years.

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

Legislation in both communities provides for protection against discrimination based on sex, religion, or national, racial, or ethnic origin. While each community generally respects such laws, significant problems remain with the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, with the treatment of Turkish Cypriots living in the government-controlled area.

Women.—Spousal abuse in the Greek Cypriot community is receiving increasing attention, and the problem is believed to be significant. A 1994 law aimed at making spousal abuse easier to report and prosecute initially had little effect because key provisions were unfunded and unimplemented. Progress was made in implementation during the year, with all cases reported to the police being referred to the courts and measures taken to ensure that such cases are treated as serious criminal charges, not simply as family disputes. Many suspected cases of domestic violence still do not reach the courts, largely because of family pressure and the wife's economic dependence on her husband. An organization formed to address the domestic abuse problem reported 747 cases during the year, compared with 718 cases in 1998, with 83.6 percent of the reported victims women, 12.9 percent children, and 3.5 percent men. A shelter for battered women opened in late 1998. Very few cases tried in the courts result in convictions. Little public discussion of domestic violence occurs in the Turkish Cypriot community, although a report issued by the "Women's Research Center" described such violence as common. A women's shelter opened in 1994. Domestic violence cases are rare in the Turkish Cypriot legal system, since they often are considered a "family matter."

Republic of Cyprus law forbids forced prostitution. However, credible reports continue that women, generally East Asian or Eastern European night club performers, are trafficked and forced into prostitution in both communities (see Sections 6.c. and 6.f.).

The Greek Cypriot press frequently reported on the mistreatment of some maids and other foreign workers (see Sections 6.c. and 6.e.).

Throughout Cyprus women generally have the same legal status as men. In a significant step, Greek Cypriot women married to foreign husbands for the first time were given the right to transmit citizenship to their children automatically in new legislation passed in December 1998. Previously they were required to apply for Cypriot citizenship for their children, while Greek Cypriot men could transmit citizenship to their children automatically.

In July 1998, a Turkish Cypriot law on marriage and divorce went into effect, which provided for more equal treatment of husbands and wives. Under the law, the man no longer is considered legally the head of the family and does not have the exclusive right to decide the family's place of residence. The wife may retain her surname but must add the husband's surname. Turkish Cypriot women may now marry non-Moslem men. In cases of divorce, the court decides on a fair distribution of the family's assets, with each partner assured a minimum of 30 percent. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them.

Legal provisions in both communities requiring equal pay for men and women performing the same job are enforced effectively at the white collar level, but Turkish Cypriot women employed in the agricultural and textile sectors routinely are paid less than their male counterparts.

Children.—Both the Government and the Turkish Cypriot authorities demonstrate a strong commitment to children's welfare. There is no difference in the health care and educational opportunities available to boys and girls. Free education through age 15 is compulsory in both communities.

There is no societal pattern of abuse of children.

People with Disabilities.—In Cyprus generally, disabled persons do not appear to be discriminated against in education or the provision of state services. In the Greek Cypriot community, disabled persons who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and their qualifications equal those of other applicants. Legislation also mandates that new public building and tourist facilities provide access for the disabled, although little has been done to enforce this law. In the Turkish Cypriot community, regulations require businesses to employ 1 disabled person for every 25 positions they fill, although enforcement is inconsistent. While awareness of the issue is increasing, the Turkish Cypriot community has not yet enacted legislation to mandate access for the disabled to public buildings and other facilities.

Religious Minorities.—Greek Cypriots living in the north report that unused Orthodox churches continue to be vandalized. Turkish Cypriots complain that unused mosques in the south have been treated similarly. A previously unknown Greek Cypriot nationalist organization claimed responsibility for an arson attack on a mosque in the south in August. Damage was light, and the authorities pledged to repair the damage and increase protection of Muslim sites. No one has been arrested for the attack.

National/Racial/Ethnic Minorities.—Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. This agreement provides for voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship.

Some of the approximately 300 Turkish Cypriots living in the government-controlled area face difficulties in obtaining identification cards and other government documents, especially if they were born after 1974. Turkish Cypriots also appear to be subjected to surveillance by the Greek Cypriot police. However, they make few formal complaints to the UNFICYP. A number of Turkish Cypriots who worked in the government-controlled area but did not live there lost their jobs following the 1996 killing of two Greek Cypriots in the buffer zone. The Cyprus Government, which stated that it could not ensure the safety of the Turkish Cypriot workers, provided 6 months of unemployment benefits to those living in the mixed Greek Cypriot-Turkish Cypriot village of Pyla, but no one has been rehired.

UNFICYP access to Greek Cypriots and Maronites living in the north remains limited. Despite recent improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level. Parents thus are forced in many instances to choose between keeping their children with them or sending them to the south for further education (in which case Turkish Cypriot authorities no longer allow them to return permanently to the north). All textbooks sent from the south to the Greek Cypriot schools must be screened by Turkish Cypriot authorities, causing lengthy delays and shortages of up-to-date texts. Both Greek Cypriots and Maronites living in the north are unable to change their housing at will. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care by a doctor registered with Turkish Cypriot authorities is permitted. Additional telephones have been installed for Greek Cypriots living in the north, although they, like Turkish Cypriots, must pay higher, "international" fees to call the south.

In May a Maronite house in the village of Asomatos was demolished by the Turkish military. Military officials indicated that the action was an error and promised to rebuild the house. However, it had not yet been rebuilt by year's end. Maronites still lack some public services available in most other Turkish Cypriot areas.

In 1998 Turkish Cypriot authorities announced that they were reviewing legislation banning Greek Cypriots and Maronites in the north from bequeathing real property to heirs residing in the south. Such property would no longer be seized by the Turkish Cypriot authorities but would be taken into temporary custody pending probate of the will. Implementation of this policy has been slow, and it is not yet possible to determine its future effectiveness.

Section 6. Worker Rights

a. *The Right of Association.*—All workers, except for members of the police and military forces, have the legal right to form and join trade unions of their own choosing without prior authorization. In the government-controlled area, police officers also have the right to join associations that have the right to bargain collectively, although not to strike. More than 70 percent of the Greek Cypriot work force belong to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belong to labor unions.

In the Turkish Cypriot community, union officials allege that various firms have been successful in establishing "company" organizations and then applying pressure on workers to join these unions. Officials of independent labor unions also have accused the Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions. The International Labor Organization (ILO) had not yet acted on these complaints by year's end.

In both communities, trade unions freely and regularly take stands on public policy issues affecting workers and maintain their independence from the authorities.

Two of the major trade unions, one in each community, are affiliated closely with political parties. Both of the other major unions are independent.

All workers have the right to strike, and several strikes occurred. However, in the northern part of the island, a 1978 court ruling gives employers an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right to strike. Authorities of both the Greek Cypriot and Turkish Cypriot communities have the power to curtail strikes in what they deem to be "essential services," although this power rarely is used.

Unions in both parts of Cyprus are able to affiliate with international trade union organizations, although Greek Cypriot unions sometimes object to the recognition of Turkish Cypriot unions formed after 1963.

b. *The Right to Organize and Bargain Collectively.*—Trade unions and confederations by law are free to organize and bargain collectively throughout Cyprus. This right is observed in practice in the government-controlled area, and most wages and benefits are set by freely negotiated collective agreements. However, Greek Cypriot collective bargaining agreements are not enforceable. In instances when such agreements are believed to have been infringed, the Ministry of Labor is requested to investigate the claim. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands.

In the Turkish Cypriot community, where inflation exceeded 60 percent during the year, wage levels are reviewed several times a year for both the private sector and public sector workers, and a corresponding cost-of-living raise is established. A special commission composed of five representatives each from organized labor, employers, and the authorities conducts the review. Union leaders contend that private sector employers are able to discourage union activity because the enforcement of labor and occupational safety regulations is sporadic, and penalties for antiunion practices are minimal. As in the Greek Cypriot community, parties to a dispute may request mediation by the authorities.

Small export processing zones exist in the port of Larnaca and in Famagusta, but the laws governing working conditions and actual practice are the same as those outside the zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited by law, and this prohibition generally is observed. However, there were credible reports that foreign women were forced into prostitution (see Sections 5 and 6.f.). Foreign maids and illegal foreign workers allegedly are subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—In both the Greek Cypriot and Turkish Cypriot communities, the minimum age for the employment of children in an "industrial undertaking" is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There are labor inspectors in both communities. However, in family-run shops it is common to see younger children working after school, and according to press reports, children as young as 11 or 12 years of age work in orchards during their school holidays in the Turkish Cypriot community. Laws prohibit forced and bonded child labor, and these laws are enforced effectively in both communities (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The legislated minimum wage in the Greek Cypriot community, which is reviewed every year, is approximately $470 (257 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants (rising to $509 [278 Cyprus pounds] after 6 months' employment). This amount is insufficient to provide a decent standard of living for a worker and family. All other occupations are covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements are significantly higher than the legislated minimum wage. The legislated minimum wage in the Turkish Cypriot area, while subject to frequent review because of high inflation, was approximately $256 (138 Cyprus pounds) per month as of September. This amount is insufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earn about $380 (205 Cyprus pounds) per month, which is barely adequate to support a family.

In the Greek Cypriot community, the standard workweek in the private sector averages 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it is 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the standard workweek is 40 hours in the winter and 35 hours in the summer. Labor inspectors effectively enforce these laws.

Reports on the mistreatment of maids and other foreign workers are frequent in the Greek Cypriot press. These reports usually involve allegations that maids, often from East or South Asia, were treated inhumanely by their employers or fired with-

out cause in violation of their contracts. Many women do not complain to authorities, fearing retribution from their employers. Those who do file charges run the risk of being fired and then deported.

A significant percentage of the labor force in the north consists of illegal workers, mostly from Turkey. According to some estimates, such illegal workers constitute as much as 25 percent of the total work force. There are frequent allegations that these workers are subject to mistreatment, including nonpayment of wages and threats of deportation.

In recent years, steps were taken to improve health and safety standards in the workplace in the government-controlled area. In 1997 a law took effect that harmonized health and safety standards with those in the European Union (EU). The law incorporates EU principles and standards for health and safety in the workplace and complies fully with the 1981 ILO Convention on occupational health and safety. A second 1997 law requires employers to provide insurance liability coverage for work-related injuries.

Occupational safety and health regulations are administered sporadically at best in the Turkish Cypriot area. In both areas, factory inspectors process complaints and inspect business in order to ensure that occupational safety laws are observed. Workers in the government-controlled area can remove themselves from dangerous work conditions without risking loss of employment. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

f. *Trafficking in Persons.*—New legislation that would make trafficking a felony was under consideration in the Cypriot legislature at year's end; it would also provide for support for victims. A new law also was under consideration at year's end in the Turkish Cypriot "National Assembly" that would regulate the hiring of women in nightclubs but would not prohibit trafficking. A holdover from British preindependence law currently makes it illegal in both communities to procure a woman for prostitution, although the crime is only a misdemeanor. Corruption among law enforcement and immigration personnel has been the primary obstacle to effective policing in both communities.

During the year, credible reports continued that women were trafficked into both communities for the purpose of prostitution. Agents in Eastern Europe recruited young women for prostitution in the Greek Cypriot community. The women entered either illegally after authorities were bribed or on temporary 3-month work permits. They then sometimes were forced to surrender their passports or forced to stay beyond the period of their work permits and in some cases were not paid their full salaries. The authorities arrested nightclub operators for profiting from prostitution, and the Government made some effort to protect women who bring complaints against employers by allowing them to remain to press charges or facilitate their return home. However, many of the women are reluctant to press charges, fearing retaliation by employers or deportation. A similar pattern exists of recruiting and hiring of East European women to work in nightclubs in the Turkish Cypriot community, and reports persist of restrictions on nightclub workers, such as confiscation of their passports by employers.

CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority Government comprising almost exclusively members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term. President Vaclav Havel was reelected in January 1998 by a narrow margin and remains an internationally recognized advocate of human rights and social justice. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions are still in a state of transformation. The judiciary is independent legally but is hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), is independent of ministry control but reports to Parliament and the Prime Minister's office. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed human rights abuses.

The economy is market-based, with over two-thirds of gross domestic product (GDP) produced by the private sector. The economy recently has contracted as the transition to a full market economy stalled because of unfinished structural reforms,

including industrial restructuring, privatization, modernization of the commercial code, and transparency in decisionmaking. The sharpest recession in the country's history occurred in 1998 when the economy contracted by 2.7 percent. Inflation has been brought down sharply in recent years, while unemployment reached 8 percent and was expected to reach double-digit levels by 2000 as long overdue industrial restructuring was implemented. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. GDP per capita in 1998 reached approximately $5,500.

The Government generally respects the human rights of its citizens; however, problems remain in several areas. Occasional police violence remains a problem. Lengthy pretrial detention and long delays in trials are problems, due to a lack of resources for the judicial system. There is some violence and discrimination against women. Discrimination and sporadic skinhead violence against the Romani community remain problems. Trafficking in women and children is a problem. In January the Government formed a Human Rights Council, headed by the Commissioner for Human Rights, to advise the Government on human rights issues and prepare legislative proposals for improving human rights in the country.

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

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

In February police launched an investigation into the 1945 murder of 30 Sudeten Germans in Tocov, a small town outside of Karlovy Vary. In November police ended the investigation after they were unable to find any persons who could confirm the testimony of German witnesses or who could remember the names of those Czechs who allegedly carried out the murders.

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 of such practices; however, police occasionally use excessive force and abuse their authority. In April the Czech Helsinki Committee released a report that documented widespread police violence.

Police were criticized for a forcible intervention on May 1, when they pushed approximately 300 anarchists away from a demonstration route planned by an equally large group of skinheads. Although the skinhead rally was registered legally with city authorities and the anarchist demonstration was not, some human rights activist leaders and commentators questioned the action as a form of police protection for neo-Nazis. In June police were criticized for failing to control demonstrators at the "Global Street Party," a demonstration of some 5,000 anarchists and radical environmentalists, when fringe groups deviated from the planned route and attacked a television station, restaurant franchises, and a Western embassy building.

The police force has been restructured significantly, and many new officers have been recruited since the 1989 revolution. Nevertheless, public approval ratings for police remain low, and corruption remains a problem. During the year, 345 members of the national police force were charged with criminal offenses, half of which were committed off duty. These include cases of police corruption, which can and do result in prosecutions. The most common offense cited was policemen fining motorists for traffic offenses and then keeping the money. The April Czech Helsinki Committee report also documented corruption and discrimination against women during recruitment of officers (see Section 5). Police sometimes failed to take sufficient action in cases of threats or attacks against Roma.

In March authorities charged a police officer in Ostrov for making racial insults against a group of Roma. The same officer was sentenced to a 1-year suspended sentence for wearing a swastika in public in 1998. However, he was suspended from the police force only after he made racial insults.

The investigation of a special police unit alleged to have used excessive force to contain a group of anarchists and radical environmentalists rioting in downtown Prague in 1998 is ongoing. In November an official from the police force's investigative office said that up to four officers could face charges of abuse of power and unwarranted use of force in connection with the incident.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 still was awaiting a formal court decision at year's end. In the meantime, the officer continues to serve on the police force but faces suspension or other internal disciplinary action if convicted.

The trial of three Communist-era investigators charged with torturing political prisoners in the 1950's is currently before the District Court in Uherske Hradiste. In May two former police officials were sentenced to 3½ and 3 years for their part

in the police intervention against demonstrators on November 17, 1989; they appealed the decision, which still was pending at year's end.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV—see Section 1.e.) continued to investigate cases of torture and misconduct from the Communist era.

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions meet minimum international standards. There is overcrowding in some prisons; as of August the prison system was at 118 percent of capacity. As of December, there were 23,054 prisoners in the country. There are 9,890 prison guards, or 1 guard for every 4 prisoners. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—The law forbids arbitrary arrest and detention, and the Government observes this prohibition in practice. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The lack of experienced police investigators and qualified judges, together with a still evolving legal environment, have contributed to a backlog of court cases. The Ministry of Justice estimates that 400 judges are needed to fill vacant positions. Pretrial detention may last legally as long as 4 years for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. The law does not allow bail for certain serious crimes. A suspect may petition the appropriate investigating authorities at any time for release from detention. The average length of pretrial detention is now 5 months and 21 days. At year's end, the number of pre-trial detainees was 6,919, about one-third of the total prison population.

The law prohibits exile, and the Government observes this prohibition in practice.

Since 1993 local courts and foreign police have expelled to Slovakia "Slovaks" without proper citizenship or residency papers. Some of these expulsions involve "Slovak" Roma who have never been in Slovakia. By the first half of 1997 (latest available statistics) a total of 851 "Slovaks" had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty (which was expected to affect three-quarters of all expulsion sentences issued between January 1, 1993 and February 2, 1998) granted amnesty to those receiving expulsion sentences for crimes in which the punishment is less than 5 years' imprisonment. However, according to one nongovernmental organization (NGO) that follows this issue, some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of a new citizenship law, which allows "Slovaks" and others to legalize their status.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and it is impartial and independent in practice. Judges are not fired or transferred for political reasons. The Judiciary is hampered by structural and procedural deficiencies and a lack of resources.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. In addition, the separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law stipulates that persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The state provides lawyers for indigent defendants in criminal and some civil cases through the Bar Association. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments decided against them. The authorities observe these rights in practice.

The 1991 lustration law, passed to prevent Communist-era collaborators from enjoying senior government responsibilities, continues to bar many former Communist Party officials, members of the people's militia, and suspected secret police collaborators from holding a wide range of elective and appointive offices for 5 years, including appointive positions in state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to the year 2000, overriding a veto by President Havel. Some private employers also have required applicants to produce lustration certificates proving noncollaboration. By August the special government office handling lustration requests processed approximately 6,000 lustration certificates at the request of individuals, bringing the total since 1991 to 366,000. During the year, some 2.7 percent of applicants did not receive confirmation of a clear record because of suspected collaboration, a slightly lower percentage

than the overall average of 3.2 percent since 1991. Those who did not receive confirmation of a clear record may file a civil suit against the Interior Ministry for a charge similar to slander. In the period from mid-October 1996 to September 1997, 31 such suits were filed. Of these 31 suits, about half of those decided to date were "fully successful," and another quarter were "partially successful," although more recent data are not available.

Defenders of the lustration law argue that individuals who systematically destroyed the lives of others in order to gain advantages for themselves within the Communist system should not be entrusted with high state responsibilities. However, the law has been criticized for violating human rights principles prohibiting discrimination in employment and assigning collective guilt. It also has been criticized because the screening process is based on the records of the Communist secret police, which many believe are incomplete or unreliable. Citizens unjustly accused of collaboration may suffer diminished career prospects and damaged personal reputations. The 1997 Agenda 2000 report by the European Union notes the law's continuing existence with some concern.

Some actions taken by state authorities and the Communist Party during the 1948–1989 Communist regime are being investigated as criminal acts under a 1993 law by a government office (UDV) established for this purpose. The UDV was established in 1995 and is an independent part of the Czech Police Office of Investigations. The UDV is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. In investigations of 2,116 cases under its jurisdiction, it has recommended action against 79 individuals, with 49 ending in criminal charges. Sentences were handed down in eight cases. By year's end, charges were dropped in 320 of the pending cases for various reasons, including lack of evidence, amnesty, or death of the accused. In addition, three cases had reached the trial phase and are to be decided in the next few months. The UDV also is working with Charles University to prepare "moral trials" to discuss crimes whose offenders cannot be punished due to their death or the expired statute of limitations on the cases. It targets primarily cases of: Torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state persecution of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire in 2000, Parliament voted in December to suspend the statue of limitations for serious crimes committed during the Communist regime and enabled the UDV to continue investigating these cases. In late August, a prosecutor for the UDV asked the Prosecutor General to indict former Communist officials Milos Jakes and Jozef Lenart. The two were to be charged with high treason for attending a meeting at the Soviet Embassy in Prague on the day after the 1968 Warsaw Pact invasion and for discussing the creation of a new "workers' and farmers'" government; they were not indicted by year's end. In December the Supreme Court ruled that a criminal case against a Communist-era judge should be reopened. A district court ruled earlier that Pavel Vitek, who was one of the judges in a show trial against seven persons who were accused falsely of murdering Communist officials in 1951, could not be tried for his role in the case because the statute of limitations had expired. However, the Supreme Court ruled that Vitek could be tried for aiding and abetting murder.

There were no reports of political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—Electronic surveillance, the tapping of telephones, and the interception of mail require a court order; government authorities generally respect these prohibitions in practice, and violations are subject to effective legal sanction.

In February and March armed police in Rokycany conducted several searches without warrants of Romani homes, after local Romani activists sent a letter to the mayor protesting racial discrimination. The house of the son of prominent Roma rights activist Ondrej Gina also was searched. The Roma filed complaints against the police for these searches. In November Rokycany authorities charged Gina with inciting racial hatred and damaging the city's reputation (see Section 2.a.).

On December 27, former Health Minister Ivan David alleged that a bugging device was installed in his office a few months prior to his resignation on December, although he produced no evidence to substantiate his claim.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government respects this right in practice. Individuals can and do speak out on political issues and freely criticize the Government and public figures. A wide variety of newspapers, magazines, and journals, owned by a variety

of Czech and foreign investors, are published without government interference. The press and broadcast media continue to operate under outdated and insufficient laws, which are now in the process of being replaced by legislation conforming to European Union norms. A Communist-era law against "defamation of the Republic" was revoked in 1997.

The electronic media are independent. There are 3 national television stations, 1 public and 2 private, and more than 60 private radio stations in addition to Czech Public Radio. The leading television channel, Nova, is privately owned, although a widely publicized dispute about the channel's ownership and alleged fraud and serious commercial misconduct by the license holder is now the subject of international arbitration. Citizens also have access to foreign broadcasts via satellite, cable, and the Internet.

A nine-member Television and Radio Council has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council was criticized widely during the year for its lack of initiative and ineffective action in addressing a high profile ownership dispute at the country's largest private television channel.

In April Amnesty International placed the country on its blacklist of countries that violate freedom of speech and expression because of the criminal arrest of reporter Zdenek Zukal in 1998. Zukal faces three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Zukal had been charged originally with slander for publishing documents he knew—or should have known—to be forgeries. Local authorities later changed the charge to false accusation 1 day before a planned presidential pardon; the new charges still were pending at year's end.

In November the mayor and city council of Rokycany formally pressed charges against the prominent national Romani leader Ondrej Gina for remarks that he allegedly published about the mayor and the city on an Internet site about alleged discrimination against Roma. Local police concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The major and city council argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad." The charges against Gina include slander, assault on a public office, and inciting racial discord. The case was still pending at year's end.

Earlier in the year, Rokycany police conducted a search without a warrant of the home of Gina's son, after Gina sent a letter to the mayor protesting racial discrimination (see Section 1.f.).

On June 23, a Prague court prohibited Tomas Kebza, deputy chairman of the rightwing Republican Youth Party and editor of the weekly Republika, from publishing for 10 years for his two articles that contained anti-Semitic and pro-Nazi views and that were aimed at suppressing the rights of other citizens (see Section 5).

In May the Government approved a press bill, which was criticized strongly by media experts. The most controversial provision, which would require the press to present responses from persons or parties who believe that their reputations have been sullied by media reports, even if the information was correct, was later removed. Opponents of the measure maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression. In December the amended version of the bill was approved by the lower house of Parliament but returned to the Senate for further changes. Those modifications are still pending. International NGO's and the Council of Europe, which criticized the legislation, are to continue monitoring this process closely.

In May the Parliament passed a freedom of information act that was to take effect on January 1, 2000. The law provides for freedom of access to information under the control of state and local authorities as well as other institutions affecting the rights of citizens.

The law provides for academic freedom but forbids activities by established political parties at universities.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of persons to assemble peacefully, and the Government respects this right in practice, although it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise would jeopardize the safety of the participants. Police generally do not interfere with spontaneous, peaceful demonstrations for which organizers lack a permit. Police arrested some skinheads at a May 1 rally (see Section 5).

The law forbids political party activity at universities (see Section 2.a.).

The Constitution provides for the right of persons to associate freely and to form political parties, and the Government respects this right in practice. Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded; during the year the Supreme Court cancelled the registrations of six parties that existed only on paper. The cancellations, part of a policy begun by the 1998 interim government to maintain an active registry, were mere formalities, as the organizations in question had ceased to exist in practice. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or withheld arbitrarily. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registrations of skinhead organizations and others propagating racial hatred or fascism, but no action has been taken to date.

c. *Freedom of Religion.*—The Constitution provides for religious freedom, and the Government respects this right in practice. The State subsidizes all religions that are registered officially with the Ministry of Culture. There are 21 state-recognized religions. To register a church must have at least 10,000 adult members permanently residing in the country. For any churches that the World Council of Churches already has recognized, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991 are not required to meet these conditions. The Jewish community, which numbers only a few thousand, constitutes one such exception. One group, the Unification Church (UC), was denied registration in January when the Department of Churches determined that it had obtained the required proof of membership by fraud; the UC is contesting the decision in court. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.

Missionaries for various religious groups, including the Church of Jesus Christ of Latter-Day Saints and Jehovah's Witnesses, are present in the country and proselytize without hindrance. In March and May respectively, the Government established two church-state commissions to improve church-state relations. One is a "political" commission with the presence of all parties currently in Parliament, and the second is a "specialist" commission composed of experts including lawyers, economists, and church representatives. The commissions advise the Government on church-state relations, the status of churches and methods of their financing, and church-related property questions.

A court in Jicin stripped a woman who was a former member of Jehovah's Witnesses of guardianship of her 6-year-old daughter, for allegedly not taking her daughter to the doctor but instead to Jehovah's Witnesses meetings and for preventing her from socializing with other children. The court granted custody to the father and allowed the mother to see her daughter for only 6 hours per month. Further details about the case and the role of the mother's former religious affiliation in the court's decision are not available.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for freedom of movement to travel domestically and abroad, as well as for emigration and repatriation, and the Government respects these provisions in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or live. A law passed in September permits such persons to regain Czech citizenship without having to relinquish a foreign citizenship that they acquired during that time. Citizenship is not revoked for political reasons.

The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework is in place for the processing of refugees and asylees, although the current law is under revision to close a few gaps. The Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Czech Republic is both a transit and destination country for migrants. The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. A reception center, three camps, and six integration centers are provided for recognized refugees. As of August, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries; however, the new citizenship law passed in September is expected to enable thousands more "Slovaks" to become citizens (see Section 5). In April the Government established temporary protection status for Kosovar Albanian refugees and opened 7 humanitarian centers to house 825 refugees relocated from overcrowded camps in Albania and the Former Yugoslav Repub-

lic of Macedonia. According to estimates by the UNHCR, there were between 2,000 and 3,000 more unregistered Kosovar Albanians in the country who were staying in hotels along the border with Germany and were waiting to be smuggled into that country. By fall most of these refugees returned to Kosovo at their own request.

In the last 8 years, 21,824 asylum applications were filed, of which 1,857 received formal refugee status for resettlement. As of December 1, 62 persons had received refugee status out of a total of 6,489 applications. A total of 17,877 foreigners have requested asylum in the country since 1990, and 1,817 (approximately 10 percent) qualified for asylum status. Citizens from Afghanistan, the former Yugoslavia, India, Sri Lanka, and Iraq submitted the most asylum requests during the year. In addition, migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to the West. In 1998 border police had prevented a record 44,000 illegal entry attempts, which more than doubled the average of the preceding 3 years. During the first half of the year, 15,400 illegal migrants were stopped at the borders, many of whom were citizens of the former Yugoslavia.

A growing concern is the smuggling of large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. Organized rings promoting illegal employment abroad operate with impunity, freely advertising their services in dozens of local papers and on the Internet. In spite of existing legislative gaps, the police are taking action against large-scale trafficking rings under organized crime statutes. The authorities are working with neighboring countries to tighten border controls. In December Parliament passed new legislation on residence and visas. The new law restricts considerably previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists. In January military observation patrols were instigated along the Czech-Slovak border to enhance police efforts. In June a record 91 illegal migrants were caught crossing the Czech-Slovak border on foot. An organized crime investigation involving Czech-German police in April broke up an international ring believed to have smuggled thousands of persons over the past 5 years. Police arrested 43 suspects, and an additional 9 were arrested in Germany. Illegal migrant groups in these cases were composed primarily of persons from Ukraine, Iraq, Afghanistan, the former Yugoslavia, and Sri Lanka, many of whom claimed asylum in the Czech Republic. 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 by democratic means, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 are eligible to vote by secret ballot in nationwide and local elections. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Some persons, predominantly Roma, who were enfranchised citizens under the former Czechoslovakia, were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic. They lacked voting and other rights due to restrictions under the existing citizenship laws. However, the new citizenship law passed in September is expected to remedy the situation for thousands of such persons (see Section 5).

The Government of Prime Minister Milos Zeman took office in August 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party, (former Prime Minister Vaclav Klaus' Civil Democratic Party), which has agreed to tolerate and support the Government, the opposition consists of the Communist Party and a coalition of four small center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation in eight large electoral districts. To enter Parliament, a party must obtain 5 percent of the votes cast in the election. The President is elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may use a suspense veto to return legislation to Parliament, which then can override that veto by a simple majority.

There are no restrictions, in law or in practice, on women's participation in politics; however, they are underrepresented, and relatively few women hold high public office. None of the 16 cabinet ministers in the Government at year's end were women. The 200-member Chamber of Deputies has only 29 female deputies, includ-

ing 1 deputy speaker. There are 9 female senators in the 81-member Senate. The President of the Senate, elected in December 1998, is a woman.

No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all ″Czechoslovaks″ who elected to live in the Czech Republic after the split. For the most part, these Slovaks define their interests in the context of Czech politics, not along ethnic lines; there is no Slovak party in Parliament.

Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into Czech political life (see Section 5). Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is currently one representative of Romani background in the Parliament.

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

Human rights groups operate without government restriction, and government officials generally are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization); there are also many single-issue groups.

On July 8, Parliament passed the final legislation needed to create a $14 million (500 million Czech crowns) endowment to be used by 39 NGO's that work on issues of social welfare, health, culture, education, human rights protection, and the environment.

In September 1998, U.N. Human Rights Commission expert Petr Uhl was appointed to a newly created position as Commissioner for Human Rights. The Human Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). In January a Council for Human Rights was established with 10 representatives of government ministries and 10 human rights activists. The Council for Human Rights was created to advise the Government on human rights issues and propose legislation to improve the observation of human rights in the country.

In December the Parliament passed legislation mandating the establishment of the office of the ombudsman, which was to be created in 2000. The legislation provides for Parliament to select an ombudsman for a 6-year term from a pool of candidates nominated by the President and the Senate.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities advises the Cabinet on minority affairs. In this body, Slovaks and Roma have three representatives each; Poles and Germans, two each; and Hungarians and Ukrainians, one each. There is also a government commission staffed by members of the NGO and journalist communities that monitors interethnic violence.

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

The Constitution provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, or social status. In practice Roma face discrimination in such areas as education, employment, and housing.

Women.—The actual extent of violence against women is unknown; however, some studies by experts indicate that it likely is common. Public debate about it is rare, despite the efforts of womens' groups to focus public attention on the problem. In late 1998, the Government introduced a comprehensive awareness and prevention program designed to address issues of trafficking, abuse, and violence against women. ROSA, an NGO that helps women in trouble, estimates that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers are university educated. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women are forced into sexual intercourse under threat of violence. Spouses or partners are responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims are attacked by complete strangers. According to police statistics, there were 675 rapes reported countrywide in 1998, although researchers at the Institute estimate that only 3.3 percent of rape victims report the crime to the police. Approximately 80 percent of criminal rape cases are solved. Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped

to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of Interior started training officers in protocols for investigating family violence and sexual crime cases in 1998.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. A total of 54 state supported shelters with 771 beds accept women who have been raped or abused in most major cities and towns, and local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved in recent years, but there still are not enough shelter spaces to meet the demand.

Legislation does not address spousal abuse specifically; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not exceeding approximately $100 (3,000 Czech crowns—approximately one-fourth of the average monthly wage). Repeated misdemeanor attacks do not impose stricter sanctions on the abuser. The police are training specialist personnel to deal with domestic violence; however, they do not yet engage in regular contact with welfare and medical services. However, in 1998 the Police Academy and secondary police schools introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims.

Forced prostitution (pimping) is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons currently earn a living from the sex industry. Prostitution and erotic businesses are particularly prevalent in the border regions with Germany and Austria, where international vehicular traffic is heaviest. Trafficking in prostitutes is forbidden by law, and trafficking in women is a problem (see Section 6.f.).

The media rarely mention the issue of sexual harassment. There are no legal definitions or laws prohibiting sexual harassment.

The Czech language has no standard term to express "sexual harassment." One NGO monitoring this problem reported that the lack of sensitivity on this issue does not mean that sexual harassment does not exist; rather, some inappropriate or offensive behaviors may be too common for comment. In a 1995 study by the Sociology Institute, 43 percent of women reported experiencing some form of sexual harassment in the workplace during their career. A study by the Defense Ministry in 1996 found that nearly half of female soldiers experienced harassment on duty. The concerns of women's groups over workplace sexual harassment often are ignored or dismissed. However, during the year a university student became the first woman in the country to win a sexual harassment suit.

Women are equal under the law and in principle receive the same pay for the same job. Women represent roughly half of the labor force, though they are employed disproportionately in professions where the median salary is relatively low. Women's median wages lag behind those of men by roughly 25 percent, although the gap is narrowing. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women now exceeds that for men by more than one-third, and a disproportionately small number of women hold senior positions. In April the Czech Helsinki Committee released a report documenting police discrimination against women during recruitment of officers.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remain free to consider sex, age, or even attractiveness when making hiring decisions, since this does not necessarily constitute "discrimination" under current legal interpretation. Employers often use openly such factors as age, sex, and lifestyle in their employment solicitations.

Children.—The Government demonstrates its commitment to children's welfare through its programs for health care, compulsory education through age 15 (through age 14 in special schools), and basic nutrition. Girls and boys enjoy equal access to health care and education at all levels.

Child abuse and trafficking in children (see Section 6.f.) continued to receive press attention during the year. In February a British former disc jockey and three other foreigners went on trial on charges of pedophilia. If convicted, they face up to 8 years in prison or up to 15 years if the court finds exacerbating circumstances. A March press report indicated that Central Europe is becoming more popular as a destination for pedophiles due to its convenient location and low risk of sexually

transmitted disease. Some experts estimate that the number of visits to the country, primarily by West Europeans, for the purpose of abusing children has increased 20 percent since 1997. Dissemination of child pornography, whether by print, video, CD-rom, or the Internet is a criminal act. These laws are enforced; in January police in Decin brought charges against a man who placed an advertisement on the Internet offering child pornography on CD-rom. He was convicted and sentenced to 1 year in prison. Court convictions against persons guilty of child sex abuse are reported routinely in the media.

Since 1990 the number of reported cases of child abuse roughly doubled; this increase appears to be the result of increased awareness of the problem and more effective police training and action. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children's Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimates that the total number of children suffering from physical, psychological and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. About 50 children die each year as a result of abuse and violence within the family. According to NGO's, there are approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

Romani children often are relegated to "special schools" for the mentally disabled and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools. In June the European Roma Rights Center (ERRC) filed a lawsuit with the Constitutional Court on behalf of 12 Romani families in Ostrava, alleging that the disproportionate number of Romani children in special schools constitutes de facto racial segregation throughout the educational system.

People with Disabilities.—The disabled suffer disproportionately from unemployment, and the physically disabled experience difficulty in obtaining access to buildings and public transport. Access to education can be a problem, due to the lack of barrier-free access to public schools, although there is at least one barrier-free school in each district. Although access is improving, many buildings and public transportation remain inaccessible to those in wheelchairs. In Prague 19 metro stations (nearly 50 percent of the total) and 2 bus lines are now accessible by the disabled. A 1994 Economic Ministry regulation requires architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration. This regulation is applied in practice. However, the Government has not mandated access for the disabled to other buildings. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks. Numerous NGO's support social assistance programs to diminish the disadvantages faced by the disabled. For example, as of June Nadace Charty 77 had contributed more than $44,000 (1.5 million Czech crowns) to institutions and individuals to purchase rehabilitative aids and special fittings for wheelchairs not covered by insurance. These NGO's report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from only a few years ago. The integration of the disabled into society has not been the subject of significant policy or public debate.

Religious Minorities.—On June 23, a Prague court prohibited Tomas Kebza, deputy chairman of the rightwing Republican Youth Party and editor of the weekly Republika, from publishing for 10 years for two articles that contained anti-Semitic and pro-Nazi views and that were aimed at suppressing the rights of other citizens (see Section 2.a.).

On November 1, Minister of Interior Vaclav Grulich reported that the Ministry sent letters to two extremist organizations warning them that they were violating human rights. The Patriotic Front and the National Alliance had 30 days to respond to the Ministry in writing. The two organizations held a demonstration in Prague on October 28, at which the National Alliance leader told those gathered that the Holocaust was "an invention."

On December 20, in a display on the struggles of the extremist rightwing Republican Party that was hung in front of the local party headquarters in Decin, photographs of President Havel, Prime Minister Zeman, Civic Democratic Party leader Klaus, and Freedom Union chairman Jan Ruml were labeled "Jewish Free Masons and Murderers of the Czech Nation." The exhibit also included a list of "Jews and Jewish Half-Breeds" in politics that included the names of Havel, Zeman, and Klaus. The list was removed a few days later.

In March one young man in Trutnov was sentenced to 18 months in prison for his role in the 1998 desecration of 41 tombstones in a Jewish cemetery. The courts sentenced three other youths arrested in connection with the same incident to suspended sentences of 18 months. In February police in Plzen arrested 12 leaders, pro-

ducers, and distributors of racist, Fascist, and anti-Semitic materials. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. Roma live throughout the country but are concentrated in the industrial towns along the northern border, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the West more than 40 years ago.

Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. They are subject to popular prejudice, as is affirmed repeatedly by public opinion polls. Nearly one-quarter of the respondents in a February opinion poll admitted to racial intolerance, while 16 percent said that they were intolerant of other nationalities. A court case charging editors of a Republican Party magazine (leaders of this extreme rightwing party espouse virulently anti-German and anti-Romani policies) with publishing offensive statements against Roma was filed with a Prague district court in January 1998 and was still before the court at year's end.

The State funds television and radio programs for Roma on public stations and also supports Romani press publications. There is one full-time Romani anchorman on Czech Television. During the year, more and better information on Romani issues was becoming available in the mainstream press and other sources. To improve media reporting on Romani issues, a Romani journalism course was established in the College of Publicity, and the first graduates finished in February. There has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study programs exist in Usti nad Labem and Brno.

However, efforts by NGO's and individuals in the health and education fields to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which often are disunited and where many are reluctant to foster contacts with the majority.

Members of skinhead organizations and their sympathizers most often perpetrate interethnic violence. Roma are the most likely targets of such crimes, although other "dark-skinned" individuals come under the same attacks. During the first 6 months of the year, 238 persons were charged with "racially motivated" crimes. An estimated 5,000 to 6,000 skinheads are active in the country. The Documentation Center for Human Rights recorded 1,500 racially-motivated attacks over the past 8 years, in which nearly 30 persons died. In 1998 police recorded a total of 138 "racially motivated crimes," nearly half of which were committed by juveniles. However, police and courts sometimes are reluctant to classify crimes against Roma as racially motivated, and the actual figures likely are higher.

In January six skinheads were charged with committing a racially motivated attack in 1998 on a 63-year-old disabled Romani man at the Havlickuv Brod railway station.

On July 17, a group of skinheads attacked a 27-year-old Rom in a bar in Jesenik with pool cues, pool balls, and other objects, as they shouted racial epithets at him. Police charged six persons involved in the attack with defamation of race and disturbing the peace. According to a local Romani NGO, there were more than 10 racially motivated attacks in Jesenik during the year, but the police did not investigate most of them.

On August 4, three skinheads attacked Jana Chalupova and Jakub Polak in a restaurant near the district court of Karvina, where Polak was representing the family of a Rom who was killed by skinheads in 1998. Chalupova is the head of public relations for the President's administration.

On August 27, some 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytnou, which resulted in injuries to 2 Roma and damage to several cars and houses. The raid lasted approximately 1 hour, and the skinheads threw bricks and stones at the Roma. The police launched an investigation into the attack and charged 12 persons with rioting, property damage, and violence, although they were not charged with racially motivated crimes.

On November 20, some 30 skinheads attacked between 60 and 70 Roma in a restaurant in Ceske Budejovice; 6 persons were injured. Police subsequently charged 23 skinheads with racially motivated violence; they now face sentences of up to 3 years in prison.

On January 11, a court charged a 21-year-old student from Plzen with disseminating Fascist propaganda. The student had created an Internet web site with Fascist symbols and a photograph of a youth giving the Hitler salute. The student was

convicted of promoting racial discord and unlawful limitation of the rights and freedoms of other citizens.

On February 20, police in Holoubkov detained six members of Sturmpionier-Battalion 43, a new paramilitary group that vowed to honor the legacy of the Nazi Wehrmacht.

Police continued to investigate a November 1998 incident that occurred in the city of Hodonin, during which a group of skinheads brutally attacked an elderly American citizen for apparently defending a young Rom whom the skinheads were harassing while dining in the same restaurant. After exchanging words with the man, the skinheads waited for him outside, and after a short chase, attacked him and left him seriously injured and unconscious on the ground. The incident was captured by the security cameras of a nearby gasoline station. Charges later were filed against the main attacker, and the local district court is scheduled to hear the matter in early 2000.

In February the High Court in Prague confirmed the sentences of two men involved in the 1997 racially motivated murder of Romani mother Helena Bihariova; in 1998 one received 8½ years in prison for murder, and the second received 15 months for breach of the peace, after his sentence was reduced from 6½ years. Also in February, the Justice Minister filed a complaint against the High Court for annulling the convictions, on technical grounds, of three skinheads found guilty in a retrial in 1998 of murdering Tibor Danihel in 1995. Authorities detained 11 suspects for terrorizing Romani residents in Domazlice in 1997. A court later acquitted 10 of the suspects, while the remaining suspect was convicted of disturbing the peace (he later was pardoned during a general presidential amnesty and is now free.)

In January a district court in Prague acquitted Miroslav Sladek, the leader of the extreme rightwing Republican Party, of charges of inciting racial and ethnic hatred, on the grounds that his statements are protected by freedom of speech provisions in the law. His party espouses virulently anti-Roma and anti-foreigner policies.

In February a court sentenced former mayor and current city council member of Obrnice Jan Hrabak to 6 weeks in jail or a fine of $850 (30,000 Czech crowns) for using racial epithets against a Rom in 1998.

There was no progress in the case of the 1998 death of Milan Lacko; the court's 1998 verdict was not appealed during the year, and the case appears to be closed. However, the skinheads convicted for attacking Lacko now are facing additional charges for appearing at the trial wearing swastikas and for making racial jokes and insults to the media and members of the victim's family in the courthouse. The case is scheduled to be decided in early 2000.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement, but no action has been taken to date. A February police raid in Plzen led to the arrest of 12 skinhead leaders, distributors, and producers of Nazi materials. The raid also netted piles of Fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia. Those arrested were charged with dissemination of Fascist propaganda, an offense with a maximum penalty of 8 years in prison. The raid was executed prior to a planned skinhead rally in Line, near Plzen, and forced the cancellation of the event. The case did not go to trial by year's end. On May 1, hundreds of skinheads held a rally on a small island in Prague, and police arrested a few dozen of the skinheads. Government officials criticized city officials for permitting the rally. Also in May, police carried out a series of raids on racist and rightwing extremist groups. Police interrogated some 100 persons and arrested 1 person on charges that included promoting a group that seeks to suppress human rights and freedoms.

There were also occasional Roma-instigated assaults on local law enforcement personnel during the year. In January two Romani men from Bilina were sentenced to 10 months' imprisonment with a 2-year probation, and 12 months' imprisonment with a 5-year probation for physical assault on police officers. Local Romani organizations generally criticized these attacks and offered their assistance in the investigations. In November three Roma who assaulted policemen in Usti nad Labem in 1998 were sentenced to 16 months in jail for a racially motivated crime.

Racial and ethnic tensions and discrimination in society were the subject of increased media attention during the year. Even when federal authorities have spoken out on these issues, local attitudes often have proven impervious to change. In June the local city council in Usti nad Labem voted to proceed with its long-delayed decision to construct a 6-foot high, 195-foot long wall between a primarily Romani apartment complex and its residents' neighbors across the street. Authorities modified the plan to include a children's playground and repave the street, but the Government again criticized the construction of the wall as a symbol of segregation and

approved a plan to refer the matter to Parliament should the city council proceed with its plan. In August the city announced that it was proceeding immediately with construction, but the district government ordered the construction stopped, citing discrepancies in the building permit. In October the city ignored this and proceeded with construction. The wall was built overnight on October 13, with about 80 police officers present to prevent any violence. Mayor Ladislav Hruska described the wall as a "symbol of law and order." On October 18, the Government appointed Deputy Minister of Interior Pavel Zarecky as its special mediator to resolve the issue of the wall. In November the Government negotiated the removal of the wall after it agreed to give the city government $85,000 (3 million Czech crowns) to improve social conditions in the town. However, the city council announced that it would use a portion of the money to buy up the houses of Czech neighbors who refused to live next to the Roma. "Now it will be a real ghetto," commented Timor Bada, a local Roma activist.

The Government has been wrestling over plans to remove a pig farm in Lety from the site of a World War II Romani concentration camp and build a memorial in its place. A team headed by the Human Rights Commissioner officially recommended the farm's removal and a public collection to finance it, but the Government in April decided against taking action due to budgetary constraints. A January public opinion poll showed that 11 percent of respondents were willing to participate in financing the Lety project, and less than one-quarter of those polled were aware that Roma were persecuted under the Nazi regime. Some Romani organizations and the Czech Helsinki Committee protested the Government's decision and in May began an international boycott of Czech pork organized by the Romani National Congress. On May 18, the Government agreed to spend $28,600 (1 million Czech crowns) on improvements to the monument in Lety. During World War II, 327 Roma, including 241 children, died in the camp. The pig farm was built on the site in 1974.

Roma wishing to integrate face practical difficulties in the areas of employment and education. A government-commissioned report estimated unemployment among Roma at 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. Many Roma are qualified only for low-paying jobs as manual laborers, since very few complete secondary education. A higher than average share of the Romani population applies for partial or full disability pensions due to the occurrence of advanced-stage malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations. In April the Human Rights Commissioner unveiled a 12-point proposal to combat discrimination and "give advantage to Romani firms in placing public orders." The proposal was being considered by the Government at year's end.

The integration of Romani children into mainstream schools frequently is impeded by language and cultural barriers. Official estimates indicate that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age to "special schools" for the mentally disabled and socially maladjusted. According to unofficial government estimates, Romani children make up 60 percent or more of pupils placed in these special schools, although Roma constitute less than 3 percent of the population. Some Romani parents do not send their children to school regularly due to a fear of violence, the expense of books and supplies, or the lack of a strong cultural emphasis on education among some Roma. In June 12 Romani families filed suit in the Constitutional Court to protest the "de facto segregation" of Romani children into special schools. The lawsuit requested the establishment of a compensatory educational fund, an end to racial segregation within 3 years, and the development of an educational reform plan. However, the Constitutional Court rejected the complaint in November and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. The Ministry of Education later took steps independently to implement some of the recommended changes. In December the Parliament approved legislation allowing qualified Romani students, previously relegated to the special schools, to return to attend mainstream secondary or upper-level public schools. The legislation was drafted by Parliament's sole Romani representative and constituted a significant step in opening access to higher education to the Romani minority.

In 1993 the Government created the framework for a number of year-long programs (so-called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the program, which is funded solely by local authorities. Nearly 90 zero grades were open during the year, and another educational initiative continued placing Romani "assistant teachers" into the primary and special school system. Their function is to

help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. There are now 62 Romani assistant teachers in the school system. Some districts tracking local Romani students report that up to 70 percent of the children who attend zero-grade training successfully enter and remain in mainstream schools. During the year, the Education Ministry began using joint Romani-Czech language textbooks in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. Local NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients. In 1998 the Labor Ministry created and filled 58 district-level positions (out of 81 districts nationwide) with "Roma advisors" or "Roma assistants" to advise local authorities on Romani issues. Eventually 20 Roma were placed in the 58 available positions, and many have made a significant contribution to their community. However, some Romani leaders, while conceding the difficulties in finding educationally qualified or trained Romani applicants to fill these positions, expressed regret that only a third eventually were filled by Roma.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated into specific offenses under the Criminal Code. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry. In July 2 discos in Plzen denied entry to 5 Romani students, prompting a boycott of the clubs by over 600 students at West Bohemia University. The club owners eventually apologized. In some cases, local authorities intervened to have such signs removed, although in a 1998 retrial a Rokycany pub owner was acquitted of refusing to serve Romani patrons in 1996. The state attorney appealed the verdict, and the case was heard during the year; a decision is expected in early 2000. In October the Hotel Imperial in Ostrava agreed to pay an out-of-court settlement of $715 (25,000 Czech crowns) to three Roma who it refused to serve in 1998. In October press reports revealed that certain unemployment offices regularly mark the records of persons who appear to be Roma with the letter "R." The findings of a subsequent government inquiry into the matter suggested that the problem was not as widespread as originally reported; however, authorities still took steps to prevent this practice in the future, including updated instructions and clarification of existing policy from the Ministry of Work and Social Affairs regarding the administration of databases and personal records, and more frequent audits by Ministry officials at the regional employment offices. Moreover, press accounts during the year revealed that Czech Airlines marked the names of persons believed to be Roma with the letter, "G," for "gypsy," supposedly to alert authorities in the United Kingdom about potential asylum seekers. Officials in the United Kingdom denied ever requesting such information from the airline. The practice reportedly was discontinued at mid-year.

In June approximately 100 residents of the town of Krnov signed a petition against Roma, complaining that they are noisy on the street, listen to loud music, make messes, and spoil the neighborhood. In August residents of the Horni Kosovo district in Jihlava also were collecting signatures for an anti-Roma petition, and there were reports of a similar petition drive in Znojmo in the spring.

Beginning in 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. At the end of 1998, 70 percent of the applicants (737) in Canada were granted asylum. An additional 171 asylum seekers applied in 1998. The numbers applying to the United Kingdom have increased substantially in spite of the fact that most of these requests are denied. By year's end, Romani applicants had filed over 1,790 requests for asylum, a record. Because this number represents only those requests filed by the "head of the household" (one application per family), the actual number of Romani asylum seekers for the year is estimated to be between 6,000 and 7,000. Roma from the Czech Republic also filed record numbers of asylum applications in Finland and Belgium. Human Rights Commissioner Uhl noted that an estimated 10,000 Czech Roma have emigrated in the last 3 years. In July a four-person Romani family reportedly was granted asylum in France.

The Government and some local municipalities began implementing programs designed to deal with drug addiction and crime prevention in the Romani community during the year. Since these programs still are at different stages of implementation, their initial effectiveness is uncertain.

The Interministerial Commission for Romani Community Affairs was created in 1997 to analyze government measures proposed by individual ministries, to collect information and to inform the Romani community about government activities, to

allocate grants to supplementary programs for the Romani community, and to deal with issues covering housing, education, and discrimination. In December 1998, the Commission was expanded to include 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy. The revamped Commission has taken an increasingly active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany, as well as promoting positive initiatives. Other government initiatives have included the organization of a team of specialized "Romani-inspectors," who are authorized to penalize shop and restaurant owners who refuse service to Roma, and increased training and seminar activity to promote understanding and tolerance. There also was an active effort underway during the year to identify, train, and recruit qualified Roma to serve in law enforcement. The national police academy introduced a course in Romani language and culture, which was designed to facilitate police officers' improved communication and response to the Romani communities in their precincts.

In February the Cabinet submitted to Parliament a draft law to allow former Czechoslovak citizens who have lived in the country since 1993 to claim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The bill passed both houses of Parliament and was signed into law on September 23. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided primarily in the country since 1993. Certain persons who went abroad for extended periods, including some asylum seekers and those expelled from the country by authorities, may face added difficulty in filing for citizenship under the new law. Nor does the law provide benefits to those who were denied citizenship and benefits between 1993 and 1999.

Section 6. Worker Rights

a. *The Right of Association.*—The law provides workers with the right to form and join unions of their own choice without prior authorization, and the Government respects this right in practice. Union membership continued to decline during the year.

Most workers are members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS is a democratically oriented, republic-wide umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the right to strike, except for those whose role in public order or public safety is deemed crucial. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail.

During the year, there were strikes in the transportation and equipment manufacturing sectors, as well as a significant coal miners' strike in which a large group of workers refused to leave the mines until their demands for new wage and job security negotiations were met. The miners stayed underground in protest for 2 days before the issue was resolved. There were also several demonstrations in front of Parliament and government headquarters protesting the growing problem of nonpayment of wages by some large manufacturing firms.

Unions are free to form or join federations and confederations and affiliate with and participate in international bodies. This freedom was exercised fully.

b. *The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis. The scope for collective bargaining is more limited in the government sector, where wages are regulated by law.

There are 11 free trade zones. Their workers have and practice the same right to organize and bargain collectively as other workers in the country.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children, and it generally is not used; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. These prohibitions are enforced in practice. The law prohibits forced or bonded labor by children, and the Government effectively enforces this prohibition (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The Government sets minimum wage standards. In July the Government increased the minimum wage from approximately $108 (3,250 Czech crowns) per month to $115 (3,600 Czech crowns), the second raise

in 6 months. The monthly average is approximately $375 (11,600 Czech crowns) per month. Average net wages are 2.1 times as high as official sustenance costs. The minimum wage provides a sparse standard of living for a worker and family, although allowances are available to families with children. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale. The enforcement of minimum wage standards was not an issue during the year.

The law mandates a standard workweek of 42½hours. It also requires paid rest of at least 30 minutes during the standard 8- to 8½hour workday, as well as annual leave of 3 to 4 weeks. Overtime ordered by the employer may not exceed 150 hours per year or 8 hours per week as a standard practice, although the local employment office may permit overtime above this limit. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers promote worker safety and health, but conditions in some sectors of heavy industry are problematic, especially those awaiting privatization. Industrial accident rates are not unusually high. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

f. *Trafficking in Persons.*—Specific laws prohibit trafficking in women and children, and trafficking in women and girls for the purpose of forced prostitution is a problem. Law enforcement officials report that the Czech Republic is both a transit and destination country for traffickers in women from farther east. Organizing prostitution or pandering also is illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) There have been numerous convictions of traffickers as a result of proactive investigative efforts on the part of law enforcement officers. The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws.

A May raid in Chomutov led to the arrest of 4 gang members and the release of 27 Ukrainian women who had been forced into prostitution by the gang. A March raid in Spain broke up an international ring that trafficked Czech and Slovak women into prostitution.

The full extent of trafficking in children is unknown; however, convictions of child sex offenders are reported routinely in the media. For example, the conviction of a British national for pedophilia was covered widely during the year, as were the cases of several German citizens who were detained in cities near the Czech-German border and who reportedly had traveled regularly to the country for the purpose of soliciting sexual activity from adolescents (particularly young Roma). Following these incidents, police personnel took measures to prevent this type of "sexual tourism" more effectively. Police enhanced patrols in high-risk areas, enforced curfew-type policies more actively, and raised public awareness of the issue through the media.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule. Queen Margrethe II is Head of State. The Cabinet, accountable to the unicameral Parliament (Folketing), leads the Government. A Social Democrat-led minority coalition remains in power following a narrow election victory in 1998. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintain effective control of the security forces.

Denmark has an advanced, market-based industrial economy. One-half of the work force is employed in the public sector. The key industries are food processing and metalworking. A broad range of industrial goods is exported. The economy provides residents with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. Trafficking in women is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

d. *Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

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

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

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

c. *Freedom of Religion.*—The Constitution provides for religious freedom, and the Government respects this right in practice. It also provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent. The government does not require that religious groups be licensed, but the state's permission is required for religious ceremonies, for example, weddings, that have civil validity.

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

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to approximately 2,300 persons in the first 6 months of 1999, and to approximately 5,700 persons in 1998. There were no reports of the forced expulsion of refugees to a country where they feared persecution or of those having a valid claim to refugee status.

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

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

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have elected democratically home rule governments with powers encompassing all matters except foreign affairs, monetary affairs, and national security. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Folketing.

Women are active in government and politics at both the local and national levels. In the current Government, 7 of 20 Government ministers are women, as are 67 of the Parliament's 179 members. Aside from two parliamentarians of mixed ancestry (both from Greenland), ethnic minorities are not represented in the Government, although they are represented in local politics.

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

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

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

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The law prohibits discrimination on the basis of sex, and the Government enforces it effectively. Discrimination on the basis of race is covered by two laws, which prohibit racial slander and denial of access to public places on the basis of race. The rights of indigenous people are protected carefully.

Women.—An umbrella nongovernmental organization reports that in 1998, women's crisis shelters were contacted approximately 9,000 times, compared with 9,961 times in 1997. A total of 1,934 women stayed at shelters during 1998, compared with 1,623 women in 1997. There were 150 reported rapes in the first 6 months of 1999, compared with 418 in 1998.

The law requires equal pay for equal work, but some wage inequality still exists. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those so affected. Women hold positions of authority throughout society, although they are underrepresented at the top of the business world. Women's rights groups effectively lobby the Government in their areas of concern, such as wage disparities and parental leave.

The problem of trafficking in women for the purpose of prostitution, particularly from Eastern Europe and Southeast Asia, remained a focus of government concern during the year (see Section 6.f.).

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

There is no societal pattern of abuse against children. In 1997 the Folketing passed legislation that banned the physical punishment of children by adults, including their parents.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government enforces these provisions in practice.

Indigenous People.—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly, it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In August the High Court ruled that the government unjustly resettled Greenland Inuits in 1953 in order to accommodate the expansion of a U.S. Air Force base in northwest Greenland. The Court ordered the Government to pay compensation to the displaced Greenlanders and their descendants. The compensation is substantially less than the defendants sued for, and the case was under appeal to the Supreme Court at year's end. In September the office of Prime Minister Poul Nyrup Rasmussen issued a joint declaration with the home rule chairman of Greenland apologizing for the way the decision on the resettlement was reached and the manner in which it was carried out.

National/Racial/Ethnic Minorities.—The inflow of ethnically and racially diverse refugees and immigrants provoked a degree of tension between Danes and immigrants (mostly Iranians, Palestinians, Pakistanis, and Sri Lankans until late 1992; refugees are now overwhelmingly from Somalia or the former Yugoslavia). In response to publicity concerning the involvement of foreigners in street crime and allegations of social welfare fraud committed by refugees, Parliament passed tighter immigration laws in June 1998, which took effect on January 1. Family reunification is now more difficult, and immigrants and refugees can no longer acquire permanent residence by living in the country for 18 months; rather they must now reside for 3 years and demonstrate that they have integrated into society. Additionally, they receive a special integration allowance that is 20 percent lower than the social benefits that a citizen receives. Critics claim that this provision violates the 1951 U.N. Convention Relating to the Status of Refugees.

Incidents of racial discrimination and racially motivated violence occur but are rare. The Government effectively investigates and deals with cases of racially motivated violence.

In November Copenhagen experienced some of its worst rioting in years. The rioters were protesting a High Court decision to expel a 23-year-old Turkish citizen. Although not a Danish citizen, the individual grew up and has close family in Denmark, including a wife and child. The Court ordered the expulsion for life to take effect immediately after a 3-year jail term for armed robbery.

Section 6. Worker Rights

a. *The Right of Association.*—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belong to unions that are independent of the Government and political parties. All unions except those representing civil servants or the military have the right to strike.

Unions may affiliate freely with international organizations, and they do so actively.

b. *The Right to Organize and Bargain Collectively.*—Workers and employers acknowledge each other's right to organize. Collective bargaining is protected by law and is widespread in practice. The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between the various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and its proposal is voted on by management and labor. If the proposal is rejected, the Government may force a legislated solution on the parties (usually based upon the mediators' proposal). The agreements, in turn, are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group, led by the Finance Ministry.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or bonded labor, by adults or children is prohibited by law, and this prohibition is enforced effectively by the Government.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for full-time employment is 15 years. A 1996 change in the work environment law tightened employment rules for those under 18 years of age and set a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor. Forced and bonded child labor is prohibited and does not occur (see Section 6.c.).

e. *Acceptable Conditions of Work.*—No national minimum wage is mandated legally, but national labor agreements effectively set a wage floor. The lowest wage paid is currently about $12 (80 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year. A 37-hour workweek is the norm, established by contract, not by law. However, the law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law.

f. *Trafficking in Persons.*—In January the Ministry of Justice asked the State Attorney to evaluate the need for new laws against the import and exploitation of women.

The problem of trafficking in women for the purpose of prostitution remained a focus of government concern during the year. Of particular concern is the importation of women from Eastern Europe and Southeast Asia who, lured by the prospect of higher wages and a better life, find themselves forced into a life of prostitution by individuals, suspected of being part of organized crime, who brought them into the country. No concrete statistics are available as to how many women are involved in prostitution. The Minister of Justice's plans, announced in 1998, to convene a commission in March 1999 to look into the problem were dropped without explanation.

ESTONIA

Estonia is a parliamentary democracy. With its statehood widely recognized as continuous for more than 70 years, Estonia regained its independence in 1991 after 50 years of Soviet occupation. The Constitution, adopted by referendum in 1992, established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. The judiciary is independent.

Efforts to develop and strengthen a Western-type police force committed to procedures and safeguards appropriate to a democratic society are proceeding, with police leadership actively working to professionalize the force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service, called Security Police, is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy. Reflecting the extent of post-1992 reforms, the Government started accession negotiations with the European Union. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government is working on privatizing the remaining state-owned infrastructure enterprises. The growth of the economy has slowed, with an estimated increase of gross domestic product (GDP) of about 0.4 percent in 1999. Although prices continue to rise, incomes are rising faster than inflation. Per capita GDP is about $3,677 per year. Two-thirds of exports (textiles, food products, wood, and timber products) now are directed to Western markets. Unemployment remained fairly low overall (unofficially about 8 percent), but it was significantly higher in rural areas.

The Government generally respected the human rights of its citizens and the large noncitizen community; however, problems remained in some areas. The major human rights abuses continued to be mistreatment of prisoners and detainees and the use of excessive force by the police. Prison conditions are poor. The deadline for noncitizens to file for permanent residency expired in 1996, after being extended twice. An undetermined number of noncitizens still have not filed for residency. By mid-year 18,000 of 19,000 noncitizen former Soviet military personnel had received temporary residence permits. Processing of applications for alien passports continued. By year's end, most applicants for alien passports had received them. The Government continued to issue temporary travel documents and to accept officially invalid former Soviet internal passports for identification in emergency situations, such as registering births and deaths.

RESPECT FOR HUMAN RIGHTS

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

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

In 1998, President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940–91. The commission began work in January and held three formal meetings during the year. In November the Commission authorized sending an investigator to study materials in the Russian and German archives addressing this era.

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; however, there continued to be credible reports that police used excessive force and verbal abuse during the arrest and questioning of suspects. Punishment cells ("kartsers") continued to be used, in contravention of international standards.

Prison conditions remained poor, although there were some improvements. A lack of funds and trained staff continued to be a serious problem. Overcrowding in the antiquated Tallinn Central Prison persisted. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government has refurbished some prison buildings. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly as the Government implemented new programs. The Government is considering new regulations that would reduce significantly the number of persons incarcerated and thereby alleviate overcrowding. During the year, 341 prisoners had been released in the calendar year under the Government's early release program for prisoners. Unlike previous years, there were no reports of prisoners killed by other prisoners.

The Government has drafted but not yet implemented a multiyear plan to refurbish and restructure all the country's prisons and to close the Tallinn Central Prison.

The Government permits human rights monitors to visit prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution and laws forbid arbitrary arrest and detention, and the Government generally observes these prohibitions. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. If a person cannot afford counsel, the State will provide one. A person may be held for 48 hours without formally being charged; further detention requires a court order. A person may be held in pretrial detention for 2 months; this term may be extended to a total of 12 months by court order. Police rarely violate these limits. As of year's end, 1,392 of the 4,528 persons held in prisons were awaiting trial.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution establishes an independent judicial branch, and the judiciary is independent in practice. The judiciary operates through a three-tier court system: rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and state courts are also courts for "constitutional supervision." At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who are then appointed by the President. Judges are appointed for life.

The role of the Chancellor of Justice and the ombudsman have been combined under legislation passed by Parliament in February. Parliament rejected a proposal for an independent ombudsman. The ombudsman is to handle complaints by private citizens against state institutions; the Chancellor has started such work.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence.

The Government continued to overhaul the country's criminal and civil procedural codes. An interim Criminal Code that went into effect in 1992 basically revised the Soviet Criminal Code by eliminating, for example, political and economic crimes. The Code of Criminal Procedure was adopted in 1994.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires a search warrant for the search and seizure of property. During the investigative stage, warrants are issued by the prosecutor upon a showing of probable cause. Once a case has gone to court, warrants are issued by the court. The Constitution provides for secrecy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept a person's communications. Illegally obtained evidence is not admissible in court.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Government respects constitutional provisions providing for freedom of speech and of the press. The media routinely carry out probing and thorough investigative reporting. Foreign newspapers and magazines are widely available. All newsprint, printing, and distribution facilities are private companies. There are four major national Estonian language and two Russian language dailies, in addition to important weeklies. In a widely reported 1997 case,

a well-known journalist was tried and convicted for insulting the spouse of a prominent politician in a newspaper interview and received a fine. All levels of the judiciary upheld the sentence. The European Court of Human Rights agreed in 1998 to hear the case, and it was still pending at year's end.

The Law on Language prohibits the use of any foreign language on all public signs, advertisements, and notices, including election posters. The prohibition on campaign posters written in other than Estonian resulted in protests by one political party.

State and public broadcast media, including one nationwide television channel (Estonian Television/ETV), continued to receive large government subsidies. Although the State once assured that these subsidies would continue, some officials called during the year for the combination of ETV and Estonian radio, along with a simultaneous reduction in their budgets by 50 percent. In 1998 Estonian Television (ETV) agreed not to broadcast commercials in return for annual subsidies from the commercial television stations; however, early in the year the agreement collapsed and state television again began to carry commercials, placing it in competition with commercial channels for advertising revenue.

The Estonian Broadcasting Council fired the general director of ETV, Toomas Lepp, on December 13 stating that Lepp was discharged because of management failures, financial difficulties at ETV, and Lepp's "undisciplined" behavior. Lepp said that his discharge had political motivation and was illegal, and he said that he would protest to the Arbitration Board. At year's end, the issue was unresolved.

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private television channels. The Government played a key role in encouraging Russian language programs on state television. These Russian programs include highly professional talk shows and comprehensive news broadcasts. However, government budget cuts initiated during the year reduced the budget of ETV's Russian-language department by 30 to 40 percent, reducing the department's ability to create self-produced programs. Russian state television and Ostankino programs are widely available via cable.

The country still lacks a law on freedom of information. The governmental expert committee has worked out a draft law, but it has become an object of criticism. Neither journalists nor parliamentarians agree with the draft law. At year's end, Parliament had not passed the freedom of information bill.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to assemble freely, but noncitizens are prohibited from joining political parties, although they may form social groups. Permits for all public gatherings must be obtained 3 weeks prior to the date of the gathering. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom do so. There were no reports of government interference in mass gatherings or political rallies.

The Constitution provides for the right of free association, and the Government respects this right in practice.

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

The 1993 Law on Churches and Religious Organizations requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

The majority of citizens are nominally Lutheran, but following deep-seated tradition there is wide tolerance of other denominations and religions. Persons of varying ethnic backgrounds profess Orthodoxy, including communities of the descendants of Russian Old Believers who found refuge in Estonia in the 17th century. The Estonian Apostolic Orthodox Church (EAOC), independent since 1919, subordinate to Constantinople since 1923, and exiled under the Soviet occupation, reregistered under its 1935 statute in August 1993. Since then, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure imposed during the Soviet occupation has insisted that it should have claim to the EAOC name. Representatives of the Moscow and Constantinople Patriarchates agreed in May that the Moscow Patriarchate would register under a new name. In June the State and the Moscow Patriarchate reached a tentative agreement over the use of Nevski Cathedral and Kuremae Monastery. The Moscow Patriarchate agreed to allow the monastery to be registered as state property, after which the State would either donate or rent the property back to the Moscow Patriarchate. Throughout the dispute, free worship has occurred in practice.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law permits free movement within the country, and it is honored in practice. The law also provides for the right of foreign travel, emigration, and repatriation for citizens. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

In 1993 Parliament enacted a Law on Aliens that defines an alien as a person who is not a citizen of Estonia, that is, a citizen of another country or a stateless person. The majority of noncitizens are ethnic Russians. The law provided a 1-year period during which noncitizens who came to Estonia prior to July 1, 1990, and were permanent residents of the former Estonian Soviet Socialist Republic, could apply for temporary residence permits. They also could apply for permanent residence at the same time. Following delays and confusion in implementation as well as criticism by international human rights observers, the application deadline was extended by a year, until July 12, 1995. By that date the vast majority of aliens—327,737 of the estimated 370,000—had filed applications. The Government extended the registration period until April 30, 1996. An indeterminate number of noncitizens—estimates ranged from 20,000 to 50,000—still had not registered. In 1997 the Government began a campaign to register this group of aliens, pledging not to take any measures against them. By September 1998, some 2,000 had come forward. In 1997 the Government proposed and Parliament approved an amendment to the aliens law that allowed those who had applied for residence by July 12, 1995, to change temporary residence permits to permanent ones. This law was implemented in September 1998, 2 years earlier than the original act envisioned.

There were complaints about the slow pace with which the Government was processing residence applications for some 19,000 Russian military pensioners. The process was complicated by the lack of Russian-provided passports in which to affix the permits. An estimated 35 percent of the first group of military pensioners missed the deadline to present their passports for residence permits. Technically, the Citizenship and Migration Board could move to have them deported. However, by midyear no recommendations to deport any persons had been made. The Government is moving on a case-by-case basis to solve the outstanding issues. By September, out of some 19,000 persons who applied, the Government issued 17,000 temporary residence permits to retired Russian servicemen. Approximately 2,200 retired Russian servicemen have submitted applications to extend their residency. The Government refused residence to 22 former members of the Soviet military forces.

No restrictions are placed on the right of noncitizens to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The Government began issuing temporary travel documents valid for a single departure and reentry into the country to resident aliens in 1994. To accommodate the entry visa requirements of other countries, the validity period of the document was extended in 1994 from 6 months to 2 years. In late 1994, the Government began issuing alien passports, which are issued to resident aliens not in possession of any other valid travel document. Such aliens included: (1) persons who are designated as stateless; (2) foreign citizens who lack the opportunity to obtain travel documents from their country of origin or from another state; (3) persons who file for Estonian citizenship and pass the language examination if required; and (4) aliens who are permanently departing Estonia. The Government plans to expand the classes of noncitizens eligible for alien passports. It already has approved their issuance to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to take out Russian citizenship. By year's end, approximately 216,000 persons had applied for alien passports and 190,190 passports had been issued.

The Government deported a relatively small number of illegal aliens, usually those caught in criminal acts. By September 18 illegal aliens were held as internees, pending deportation or a court order granting them residence. Internees are held in a wing of a regular prison. In July Finland and Estonia entered into a cooperation agreement to construct a new facility for illegal aliens and asylum seekers in East Viru county.

In 1997 Parliament passed a refugee law that brought domestic legislation into conformity with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and also in 1997 amended several social security acts to provide refugees with social benefits identical to those of citizens. In February Parliament passed amendments to the refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, and established a state registry for asylum. In accordance with one of the articles contained in these amendments, starting on October 1 temporary residence permits could be granted to persons whose applications for a residence permit are based on an international agreement. The program began as scheduled, and as of October 13,

43 persons had applied for asylum of whom 33 still were waiting for a reply. All 10 of the applications that had been processed were turned down by the Citizenship and Migration Board on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

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

Citizens have the right to change their government. In March free and fair elections to the Parliament were held. The new Government is a coalition of the Pro Patria, Moderate, and Reform Parties. Among the deputies are four ethnic Russians. Indirect presidential elections were held in 1996. When the Parliament failed to muster the required two-thirds majority to elect the President, an Electoral Assembly consisting of Members of Parliament and representatives of local governments convened and reelected the incumbent, Lennart Meri.

Local elections were held in October. According to legislation, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but cannot run for office. The local elections were free and fair. All candidates had certified that they knew Estonian sufficiently to be able to function in local government.

The 1992 Citizenship Law readopted the 1938 Citizenship Law. According to that law, anyone born after 1940 to a citizen parent is a citizen by birth. The parent does not have to be an ethnic Estonian. The Government estimates that under this provision some 80,000 persons not ethnically Estonian have obtained citizenship. The law included requirements for naturalization, such as a 2-year residency requirement, to be followed by a 1-year waiting period, as well as knowledge of the Estonian language. According to Max van der Stoel, the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, over 200,000 persons experienced a reduction in status to that of resident alien. Citizenship is provided to those who were citizens in 1940 and their descendants, not to those who moved to Estonia during occupation (resident aliens).

In 1995 Parliament adopted a Citizenship Law revising the 1992 law and combining into one statute provisions regarding citizenship that were scattered among several pieces of legislation. It extended the residency requirement for naturalization from 2 to 5 years and added a requirement for knowledge of the Constitution and the Citizenship Law. Persons who had taken up legal residence in the country prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language requirement but not the civic knowledge requirement for applicants who have Estonian language elementary or higher education, or who have performed valuable service to Estonia. In December 1998, Parliament approved legislation that amended the citizenship law to grant citizenship to stateless children born after February 26, 1992 to legally resident stateless parents (upon the parents' or guardians' application). The President proclaimed the law in December 1998, and it went into effect on July 12. As of September 2, parents had applied for citizenship for 34 such children.

On October 1, the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who have not departed the country subsequently.

By law the following classes of persons are ineligible for naturalization: those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those who have committed crimes and have been punished with a sentence of more than 1 year or who have been repeatedly brought to justice for felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who have served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. (The latter includes spouses who have come to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement.) A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years.

Between 1992 and August 1, 108,383 persons received citizenship through naturalization. The vast majority of these persons, 87,712, were naturalized by the end of 1996. In 1997 the Russian embassy reported that some 120,000 persons had obtained Russian citizenship; however, the Embassy declined to supply the Government with a list. The number of Russian citizens may be lower since the Russian Embassy does not appear to keep records of those who die or leave the country. The Government reported that by August 1 it had issued 144,631 residence permits to

foreign nationals. As of August, the Government also had issued 35,816 permanent and 16,180 temporary residence permits.

While some officials in the Russian Government and in the local Russian community continued to criticize the citizenship law as discriminatory, the OSCE as well as numerous international fact-finding organizations, including the Finnish Helsinki Committee, confirm that the Citizenship Law conforms to international standards.

Bureaucratic delays and the Estonian language requirement are also cited as disincentives for securing citizenship. The Government has established language-training centers, but there is a lack of qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent pass, is arbitrary.

There are no legal impediments to women's participation in government or politics. However, women are underrepresented in government and politics. There are 18 women among the 101 members of Parliament. Two ministers are women. There are four ethnic Russian deputies in Parliament. At year's end, the law was amended to place language requirements on Members of Parliament; Russian speakers protested.

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

The Government does not restrict the formation or functioning of human rights organizations. In response to allegations of poor treatment of ethnic minorities, the President established a Human Rights Institute, which first convened in 1992. The purpose of the Institute is to monitor human rights in the country and to provide information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and inhuman treatment of detainees. In 1997 the Institute established an information center in the heavily ethnic Russian town of Kohtla-Jarve. In addition because of tensions surrounding the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of Parliament, the Union of Estonian Nationalities, and the Russian speaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. In addition with initial funding from the Danish government, a nongovernmental legal information center in Tallinn provides free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

Because of repeated Russian allegations of human rights violations among the noncitizen population, both the OSCE mission in Estonia and the OSCE High Commissioner on National Minorities have declared that they could not find a pattern of human rights violations or abuses in the country. The Government in 1998 addressed two outstanding recommendations of the OSCE High Commissioner on National Minorities, by simplifying the civic knowledge portion of the naturalization process and passing legislation to grant automatic citizenship to children born after February 26, 1992 to resident stateless persons upon parental application. There are also at least 10 nongovernmental organizations devoted to developing and implementing local programs to assist the integration of non-Estonians into society.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, social status, or for any other reason. The Government reports that no court cases charging discrimination have been filed. Two court cases begun in 1998 are pending but have not come to trial, regarding allegations of racial hatred fomented by a leader of a Russian military pensioners' group in northeast Estonia. The pensioners' leader organized an unauthorized assembly in the city of Sillamae and claimed that the human rights of the Russian pensioners in the region were abused by the Government. There are no regulations on how deaf or blind persons are to take the language or citizenship tests.

Women.—Violence against women, including spousal abuse, was the subject of increasing discussion and media coverage. According to women's groups and law enforcement officials, family violence is not pervasive. Rape and attempted rape occur relatively infrequently. During the year, there were reports of 50 rapes and 3 attempted rapes, compared with 53 rapes and 14 attempted rapes for 1998. However, studies show that 40 percent of crime in the country goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998. Women have the same legal rights as men and legally are entitled to equal pay for equal work. Nevertheless, although women's average edu-

cational level was higher than that of men, their average pay was lower, and the trend did not seem to be improving. There continue to be female- and male-dominated professions. Women constitute slightly more than half of the work force. They also carry major household responsibilities.

Children.—The Government's strong commitment to education is evidenced by the high priority that it gives to building and refurbishing schools. The Government provides free medical care for children and subsidizes school meals. In 1992 the Government adopted a Law on Child Protection patterned after the U.N. Convention on the Rights of the Child.

There is no societal pattern of child abuse, but a 1995 research project conducted by the nongovernmental Estonian Union for Child Welfare on children and violence at home found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 7 months of the year, police registered 10 cases of sexual abuse—7 female victims and 3 male victims. In the same time period, there were 54 cases of procurement for prostitution of victims younger than age 16. Also in the first 7 months of the year, there were no rape cases in which the victim was younger than 14.

People with Disabilities.—While the Constitution contains provisions to protect disabled persons against discrimination, and both the State and some private organizations provide them with financial assistance, little has been done to enable the disabled to participate normally in public life. There is no public access law, but some effort to accommodate the disabled is evident in the inclusion of ramps at curbs on new urban sidewalk construction. Public transportation firms have acquired some vehicles that are accessible to the disabled, as have some taxi companies. There are no regulations on how deaf or blind persons are to take the language or citizenship tests.

National/Racial/Ethnic Minorities.—The OSCE mission in Estonia, established in 1993, continued to promote stability, dialog, and understanding among communities. The President's Roundtable, also established in 1993, is composed of Members of Parliament, representatives of the Union of Estonian Nationalities, and the Representative Assembly of the Russian Community; it continued to work toward finding practical solutions to problems of noncitizens. The analogous but independent roundtable that met in the northeastern part of the country (see Section 4) worked on similar issues.

The Law on Cultural Autonomy for citizens belonging to minority groups went into effect in 1993. The tradition of protection for cultural autonomy dates from a 1925 law. Some noncitizens termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government replied that noncitizens can participate fully in ethnic organizations and that the law includes subsidies for cultural organizations.

The population is slightly less than 1.5 million. Ethnic Russians total approximately 29 percent, and nonethnic Estonians total approximately 37 percent. During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants now compose approximately one-third of the total population; about 40 percent of them were born in Estonia. Approximately 8 percent of the population of the pre-1940 Republic was ethnic Russian.

Some noncitizens, especially Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. Russian government officials and parliamentarians echoed these charges in a variety of forums. In March 1998, the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations. One of the subgroups of the commission would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. By year's end, the commission had been established, but it had not met.

Other than for land ownership, the 1993 Law does not distinguish between citizens and noncitizens for purposes of business or property ownership. A 1996 law on land ownership further liberalized land ownership by foreigners; such ownership now is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

Estonian language requirements for those employed in the civil service went into effect in 1993. As originally passed, the Law on Public Service required state employees to be proficient in Estonian by the end of 1995. In December 1995, Parliament amended the Law on Public Service to allow noncitizen local and national government employees without adequate Estonian to continue working until February 1, 1997. No noncitizens were to be hired after January 1, 1996. This amendment reflected the Government's awareness that in some sectors, the number of em-

ployees with inadequate Estonian remained high. On February 9, the Parliament again amended the Law on Language, requiring that all public servants, service personnel, and sole proprietors must be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. On July 27, the Government issued the implementation decree for the amendments to the language law regarding public sector employees as well as those employed in the medical profession. The implementing decree for private sector workers was expected in October, but it was not issued by year's end.

In May 1997, 3 policemen were dismissed for not knowing sufficient Estonian; earlier in 1997, 11 policemen were dismissed for not filing for Estonian citizenship by the established deadline. Also in 1997, five prosecutors and two judges were dismissed for presenting forged certificates regarding their knowledge of Estonian; two have been restored to their positions; criminal charges against one judge were dropped. At the end of 1998, a total of 300 police officers had been dismissed because of their poor command of Estonian and failure to acquire citizenship, and they have not been rehired.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level in 4 years. Estonian language training is available; however, some claim that it is too costly. Some Russian representatives have asked for free language training. They have charged also that the language requirement for citizenship is too difficult. There has been a proposal to make the language requirement less rigorous. The examination fee for either language test—for employment or citizenship—is 15 percent of the monthly minimum wage, although it is waived for the unemployed.

Legislation and a government decision provide that, in districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled to receive official information in that language.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case and have decided in favor of complainants. All decisions are in Estonian but if a complaint is received in a language other than Estonian (usually Russian) the court provides a complimentary translation.

Two court cases begun in 1998 are pending but have not come to trial; they concern allegations of racial hatred fomented by a leader of a Russian military pensioners' group in northeast Estonia.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right to form and join a union or employee association. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labor confederation, the All-Union Central Council of Trade Unions. The EAKL has 65,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL in 1993 and has 45,000 members. A central union of food processing and rural workers was established in 1997. About one-third of the country's labor force belongs to one of the three labor federations.

The right to strike is legal, and unions are independent of the Government and political parties. The Constitution and statutes prohibit retribution against strikers. There was a strike by metal workers in Viljandi during the year.

Unions may join federations freely and affiliate internationally.

b. *The Right to Organize and Bargain Collectively.*—While Estonian workers have the legally acquired right to bargain collectively, collective bargaining is still in its infancy. According to EAKL leaders, few collective bargaining agreements have been concluded between management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the country's post-Soviet era Labor Code covering employment contracts, vacation, and occupational safety. The Labor Code prohibits antiunion discrimination, and employees have the right to go to court to enforce their rights. In 1993 laws covering collective bargaining, collective dispute resolution, and shop stewards were enacted.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor although it does not specifically prohibit forced and bonded

labor by children (see Section 6.d.). The Labor Inspections Office effectively enforces this prohibition.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Constitution forbids forced or bonded labor. The Government ratified the U.N. Convention on the Rights of the Child, which bans forced child labor. The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with studies, and must be included on a Government-prepared list. Government authorities effectively enforce minimum age laws through inspections. There were no reports of forced or bonded labor by children in enterprises (see Section 6.c.); however, there were instances of families forcing their children to engage in peddling or begging.

e. *Acceptable Conditions of Work.*—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is $86 (1,250 Estonian crowns). The minimum wage is not sufficient to provide a worker and family with a decent standard of living. About 5 to 6 percent of the work force receive the minimum wage. The average monthly wage in the second quarter was about $310.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period. According to EAKL sources, legal occupational health and safety standards are satisfactory, but they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective to date. In addition the labor unions have occupational health and safety experts who assist workers to bring employers in compliance with legal standards. Workers have 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; however, the existing criminal codes regarding kidnaping and extortion are used to address this problem. There were reports of trafficking of women during the year, including a case where women were transported to serve in the sex industry in Germany.

FINLAND

Finland is a constitutional republic with an elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The security apparatus is controlled effectively by elected officials and supervised by the courts.

Finland has a mixed economy, primarily and extensively market based.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking serious steps to address the problem of violence against women.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges.

The law provides for the right to fair public trial, and the judiciary vigorously enforces this right. Local courts may conduct a trial behind closed doors in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or en-

danger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Nontraditional religious groups freely profess and propagate their beliefs. Such groups are eligible for some tax relief (e.g., they may receive tax-free donations), provided they are registered with the Government as religious communities. Some 87 percent of the population belongs to two state churches, the Lutheran and the Orthodox. All citizens belonging to one of these state churches pay, as part of their income tax, a church tax. These church taxes are used to defray the costs of running the state churches. Those who do not want to pay the tax must notify the tax office.

Such groups as Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints have been active in Finland for decades. In December 1998, the Ministry of Education turned down the application of the Finnish Association of Scientologists to be registered as a religious community. This was the first time that an applicant had been denied church status. The Scientologists' application was pending for nearly 3 years while the Government awaited additional information that it had requested from the Association. The Association acknowledged that it had not responded to the Government's request. The Education Ministry's decision can be appealed to the Supreme Administrative Court. The Scientologists have not yet done so, but they have indicated that they may begin the process anew and reapply for recognition as a church.

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

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers are processed directly for residence. The issue of the provision of first asylum has never arisen. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

In 1998 1,272 persons applied for asylum, up from 973 in 1997. During 1998 the Directorate of Immigration processed 866 asylum applications. It granted asylum to 7 persons and residence permits to 372 persons and rejected the applications of 240 persons. Also in 1998, 247 asylum seekers withdrew their applications. In 1999 from January 1 to July 31, 1,851 asylum applications were submitted. Government officials attribute this increase in the number of asylum applicants to the fighting in Kosovo and to the sudden arrival in the country of Romani asylum seekers from Slovakia during June and July. In July the Government imposed a visa regime on Slovak citizens; the requirement was lifted in November. Most of the Roma subsequently withdrew their applications after the Government denied the applications of several hundred initial applicants on the grounds that most had first transited Hungary, the Czech Republic, or Sweden en route to Finland.

In 1997 the Government issued guidelines aimed at creating a more coherent immigration and refugee policy rather than dealing with immigration and asylum matters on a case-by-case basis. A revised aliens' code went into effect on May 1 that makes it easier to obtain asylum and facilitates family reunification. On May 1, a law establishing procedures for receiving asylum seekers, as well as promoting the integration of immigrants into society, also went into effect (also see Section 5).

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.

Women are fairly well represented in Government. There are 74 women in the 200-member Parliament, and 8 in the 18-member Cabinet. The Foreign Minister and the Speaker of the Parliament are women. In 1995 Parliament passed quota legislation for all state committees, commissions, and appointed municipal bodies, requiring a minimum of 40 percent membership from each sex.

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

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

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

The Constitution prohibits discrimination based on sex, age, origin, language, religion, conviction, opinion, or disability, and the Government effectively enforces these provisions.

Women.—Police statistics for 1998 record 2,708 cases of domestic violence, 208 more than the previous year. Of the victims, 2,182 were women and 526 were men. A total of 463 cases of rape were reported to the police in 1998, compared with 468 in 1997. During the period from January to September 1999, 424 cases of rape were reported. During the 1988–97 period, an average of 395 cases of rape were reported each year. Government experts report that as many as half of all rape cases may go unreported.

The annual number of calls to the police relating to domestic violence is not centrally compiled but is estimated at 10,000 to 12,000. Shelter officials state that the figure represents less than half of the number of actual incidents. Most of the persons seeking shelter are women between 25 and 35 years of age, either married or in a common-law relationship. Nearly one-third are immigrants.

The law provides for stringent penalties for violence against women; the police and the courts vigorously enforce this provision.

The Union of Shelter Homes as well as the municipalities maintain homes all over the country for female, male, adult, and child victims of violence. The total number of shelters is around 55. Many of the people served by the shelters are women with small children fleeing abusive husbands. Increasing numbers of elderly persons—the parents of abusive (usually male) offspring—have sought safety in the shelters. Generally the conditions that cause both young and old to avail themselves of the shelters are alcohol-related. Studies show that the opening of a shelter in an area brings cases of family violence into the open. The concept of family violence includes negligence in care, psychological violence, and economic abuse. The Union of Shelter Homes introduced a special program to alert persons from other cultures to the possibilities of getting help from the authorities in a society where they lack a natural support network.

A study published in 1998 indicated that the typical victim of family violence is a young woman between 18 and 24 years of age who is married or is living in a common-law relationship. The study concluded that every fifth married woman or woman involved in a common-law relationship has suffered from violent behavior at the hands of her partner. The study also concludes that as many as 40 percent of all women over the age of 15 have experienced some form of family violence. (The study considers psychological and verbal abuse as "violence.")

The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of equality of the sexes in social activities and working life, the latter particularly in the determination of remuneration. In 1985 the Parliament passed a more detailed comprehensive equal rights law that mandates equal treatment for women in the workplace, including equal pay for "comparable" jobs. In practice comparable worth has not been implemented because of the difficulty of establishing criteria, but the Government, employers, unions, and others continue to work on implementation plans. Women's average earnings are 81 percent of those of men, and women still tend to be segregated in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there are disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some Government ministries remain male dominated. Some 60 percent of physicians are women. Women serve in the military. The Government's Equality Ombudsman monitors compliance with regulations against sexual discrimination. Of the 78 complaints processed by the Ombudsman between January 1 and June 30, 17 cases were established as violations of the law.

In 1997 the Government began a special program to promote women's equality during the period from 1997 to 1999. This program consists of 30 projects, one of which focuses on violence against women and domestic violence. The project against violence offers support, nationwide, to women in need and to men who wish to combat their own tendencies to resort to violence. This project is regarded as the most significant component of the women's equality program, in that it has helped break the taboo about the subject.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no pattern of societal abuse of children, and the national consensus supporting children's rights is enshrined in law.

People with Disabilities.—Although since the 1970's the law has required that new public buildings be accessible to people with physical disabilities, many older buildings remain inaccessible. No such law applies to public transportation, but each municipality subsidizes measures to improve accessibility to vehicles. Local governments maintain a free transport service that guarantees 18 free trips per month for a disabled person. The deaf and the mute are provided interpretation services ranging from 120 to 240 hours annually. The Government provides subsidized public housing to the severely disabled.

Indigenous People.—Sami (Lapps), who constitute less than 0.1 percent of the population, benefit from legal provisions protecting minority rights and customs. Sami language and culture are supported in the Constitution and financially by the Government. The Sami receive subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have full political and civil rights and are able to participate in decisions affecting their economic and cultural interests.

In 1998 the President issued instructions on implementing a European Union directive on the use of minority and regional languages. The directive's purpose is to ensure that the use of minority languages is permitted in school, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities. The Sami language belongs to the category of a minority language used regionally.

National/Racial/Ethnic Minorities.—In recent years, concern has arisen about increasing expressions of racist and xenophobic behavior. The Government is trying to address this problem through an in-depth, ongoing study of attitudes toward different ethnic groups. The government study examines discrimination in working life, looks into popular attitudes toward foreigners, and charts the attitudes of those authorities involved in immigration affairs—the police, teachers, social workers, border guards, and employment office personnel. The popular attitudes survey found that half of those interviewed acknowledged some feelings of xenophobia or prejudice.

Two government-sponsored legislative initiatives are aimed at improving the situation of noncitizens. On May 1, a law promoting the integration of immigrants into society and establishing procedures for receiving asylum seekers went into effect. A revised aliens' code also went into effect on May 1 (see Section 2.d.). In addition to these legislative initiatives, the Government in 1997 issued policy guidelines for promoting tolerance and combating racism.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the rights of trade unions to organize, to assemble peacefully, and to strike, and the Government respects these provisions. About 87 percent of the work force is organized. All unions are independent of the Government and political parties. The law grants public sector employees the right to strike, with some exceptions for the provision of essential services. In the first half of the year there were 28 strikes, only 1 of which was not a wildcat strike.

Trade unions freely affiliate with international bodies.

b. *The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government. The law protects workers against antiunion discrimination. Complaint resolution is governed by collective bargaining agreements as well as labor law, both of which are adequately enforced.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and this prohibition is observed in practice. The law prohibits forced and bonded labor by children and adults, and such practices do not exist. The Government enforces this prohibition effectively.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children (see Section 6.c.). Youths under 16 years of age cannot work more than 6 hours a day or at night, and education is compulsory for children from 7 to 16 years of age. The Labor Ministry enforces child labor regulations. There are virtually no complaints of the exploitation of children in the work force.

e. *Acceptable Conditions of Work.*—There is no legislated minimum wage, but the law requires all employers—including nonunionized ones—to meet the minimum wages agreed to in collective bargaining agreements in the respective industrial sector. These minimum wages generally afford a decent standard of living for workers and their families.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law is enforced effectively as a minimum, and many workers enjoy even stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforces them. Workers can refuse dangerous work situations without risk of penalty.

f. *Trafficking in Persons.*—The law does not explicitly prohibit trafficking in persons, but existing statutes concerning procuring and illegal aliens can be used in such cases.

Finland is becoming a destination country for trafficked women, according to an OSCE report.

FRANCE

France is a constitutional democracy with a directly elected president and National Assembly and an independent judiciary.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces in major cities, all of which are under effective civilian control. Members of those police forces committed some human rights abuses.

The highly developed, diversified, and primarily market-based economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. There were instances of unwarranted use of lethal force and the abuse of detainees, particularly foreigners, by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Violence and threats against ethnic and religious minorities continued to decline. The Government has taken important steps to deal with violence against women and children. Women continue to face wage discrimination.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government officials.

Law enforcement officers have used excessive force—particularly directed against immigrants—resulting in deaths, although there is no evidence of a pattern of such abuses.

In January a judge initiated an investigation into the November 20, 1998 death of 26-year-old Mohammed Ali Saoud in Toulon. Saoud, who had a history of mental illness, died following police intervention in a violent domestic disturbance. After a struggle, the police succeeded in physically restraining him. Saoud lost consciousness and the police called a medic, but the medic could not revive him. An autopsy determined that Saoud died from a fractured skull. The police had fired rubber bullets at Saoud to subdue him, and Saoud's mother said that the police kicked and hit him while he was on the ground. The judicial investigation was opened in response to requests by Saoud's family and the Human Rights League, a French nongovernmental organization (NGO). The investigation continued at year's end.

An investigating judge is considering manslaughter charges against the police officer who shot and killed 17-year-old Habib Mohamed while he attempted to steal a car on December 13, 1998 in Toulouse. After being shot, Mohamed allegedly staggered away and later was found dead by a passerby. The police officers involved re-

portedly failed to follow Mohamed or to follow required procedures to report that their weapons were fired.

In August the judge investigating the December 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane changed her investigation of one of the police officers involved from manslaughter to murder. A second police officer remains under investigation for manslaughter. The police claimed self-defense when they fired at Bouziane's car as it approached them head-on, shooting him when he attempted to break through a roadblock near Fontainbleau. Ballistics experts stated that the shots were fired after Bouziane's vehicle passed through the roadblock.

On December 10, the Court of Assizes in the department of Rhone convicted the police officer who fired the fatal shot in the December 1997 shooting in Lyon of Fabrice Fernandez of manslaughter, and sentenced him to 12 years in prison. In March the chambre d'accusation (the prosecuting chamber of the criminal court) had confirmed an investigative judge's 1998 decision to increase the charge to murder. The officer had been removed from the police force in January 1998.

In October 1997, the public prosecutor declined to bring charges against the gendarmes who killed two homeless men who were robbing a store in Machecoul (Loire-Atlantique). The public prosecutor decided that the gendarmes had not used excessive force and an investigating judge agreed.

In December 1997, the appeals court in Aix-en-Provence overturned the decision that the border police officer who shot and killed 8-year-old Serbian refugee Todor Bogdanovic in 1995 acted in self-defense. Border police were accused of using excessive force in attempting to halt a convoy of refugees that ran a border checkpoint. The case was passed on to the Court of Assizes on a charge of manslaughter, and the officer was acquitted in December 1998.

In November 1997, the gendarme who shot and killed Franck Moret was released by the correctional court in Valence, prompting the family of the deceased to appeal the judgment. In July 1998, the appeals court overturned the decision of the correctional court and sentenced the officer to an 18-month suspended prison term. The officer has appealed the court's decision.

On September 23, 1998, the Court of Cassation refused the appeal of a ruling that no grounds for prosecution existed, by the family of Ibrahim Sy, a Senegalese youth who was shot and killed by a gendarme in 1994.

An administrative inquiry was opened into the 1991 death of 18-year-old Aissa Ihich, who allegedly was beaten by police officers and subsequently died of an asthmatic attack because he allegedly was refused medication. In June the chambre d'accusation decided that three police officers and one doctor involved in the case should be tried before a correctional court.

In May the Court of Cassation sent a new report to the Prime Minister, which described the Government's involvement in the case of the Algerians who were beaten, shot, and thrown into the Seine river during a 1961 protest in Paris. The report, based on a detailed review of the judiciary archives, concluded that 48 Algerians died on the night of October 17, 1961. In May 1998, the Interior Ministry had concluded that it was likely that "dozens" of persons had died; government authorities at the time of the incident had stated that only three persons were killed. In May Prime Minister Lionel Jospin's office announced that government archives on the incident would be opened to historians; at year's end, both the national archives and the archives of the city of Paris were open to the public.

In May the authorities arrested Corsican nationalists Didier Maranelli, Alain Ferrandi, Pierre Alessandri, and Marcel Istria for the February 1998 killing of Corsican Prefet Claude Erignac. According to press reports, only Istria has denied any participation in the killing. Yvan Colonna, who is presumed to have fired the shots that killed Erignac, was still at large at year's end, and was believed to be hiding somewhere on the island. The investigation continued at year's end.

On September 15, a court convicted 21 persons and sentenced them to between 6 months and 10 years in prison; the defendants were members of a network that provided logistical support in Paris, Lyon, and Lille for a group which in 1998 a court found to be responsible for a 1995 wave of bombings in Paris that killed 8 persons and injured over 170 others.

There were no developments in the case of two Iranian nationals suspected of killing Reza Mazoulman, an Iranian deputy education minister under the Shah, in Paris in 1996. The investigation continued at year's end.

On March 10, a special Court of Assizes issued guilty verdicts and imposed life sentences on six Libyan nationals (including the brother-in-law of Libyan dictator Mu'ammar al-Qadhafi), who were tried in absentia for the 1989 bombing of UTA flight 772. According to press reports in July, Libya paid approximately $33 million (211 million francs) to France to compensate the families of the 170 persons killed.

On May 20, German national Hans-Joachim Klein, who was arrested in September 1998 for murder and attempted murder in a 1975 hostage taking at OPEC headquarters in Vienna, was extradited to Germany.

In June a court rejected the appeal by Ilich Ramirez Sanchez, a.k.a. "Carlos the Jackal," of a December 1997 conviction in which he had received a life sentence for a 1975 murder in Paris of two French secret agents and their informer. On January 15, the chambre d'accusation of the Paris Court of Appeal decided not to prosecute him for a 1974 bombing of a Paris drugstore which killed 2 persons and wounded 34 others. However, in mid-December the Court of Cassation set aside the Court of Appeal's decision and reopened the case.

On May 19, a Paris court acquitted Bob Denard, a 70-year-old soldier of fortune, and Dominique Malacrino of charges that they killed President Ahmed Abdallah of the Comoros in 1989.

On September 1, an investigating judge decided that Nazi war criminal Alois Brunner should be tried in absentia on charges of crimes against humanity. Brunner previously was sentenced to death in absentia by a French military court in 1954, but vanished and was believed to have been living in Syria. According to press reports, in 1992 the Damascus publication Lettre d'Orient announced that Brunner had died, but Syrian authorities and Brunner's ex-wife and daughter refused to confirm or deny the report. The chambre d'accusation is to review the investigating judge's decision to determine whether Brunner should be tried by the Court of Assizes.

b. *Disappearance.*—There were no reports of politically motivated disappearance.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the authorities punish officials who employ them. However, there were credible reports that law enforcement officers used excessive force, particularly against immigrants. Isolated instances of police abuse occurred, but there is no evidence of a pattern.

On July 28, the European Court of Human Rights decided unanimously that France violated two articles of the European Convention on Human Rights in the case of Ahmed Selmouni, a Moroccan-Dutch drug smuggling suspect, who was arrested in November 1991. France was found guilty of violating Article 3, the prohibition against torture, and Article 6, the right to a hearing within a reasonable time. Selmouni had been arrested without incident by police officers in Paris, but he was beaten numerous times during his subsequent detention. The public prosecutor in France began an investigation of the police officers in February 1992. In December 1992, Selmouni was convicted of various drug charges, and he is serving a 13-year prison term. In February 1993, Selmouni lodged his own complaint against the police officers and asked to join the prosecutor's proceedings as a civil party. These proceedings resulted in the conviction of five police officers in March on various charges of assault. The officers' original sentences ranged from 3 to 4 years and were reduced on appeal in July to range between 10 and 18 months. Four of the police officers had their reduced sentences completely suspended. Only the supervisory officer, whose sentence was reduced from 4 years to 18 months (with 15 months suspended), actually served any time in prison. The officers remained in their positions with the police force until the commencement of their trial in February. The supervisory officer is not required to return to prison because he already had served the unsuspended portion of his sentence (3 months) during provisional detention. The European Court of Human Rights ruled that the over 6-year delay in the processing of Selmouni's complaint (some aspects of which are still being considered by the French courts) violated his right to a hearing within a reasonable time. The court also ruled that the physical abuse of Selmouni was "inflicted intentionally for the purpose of making him confess to the crime which he had been suspected of committing." It caused "severe pain and suffering and had been particularly serious and cruel." The court concluded that "such conduct had to be regarded as acts of torture."

The United Nations Human Rights Committee expressed concern in July 1997 about the number and gravity of allegations of mistreatment of detainees by law enforcement officials and the unnecessary use of force and firearms which resulted in a number of deaths. According to the Committee, such mistreatment was more often prevalent in cases of foreign detainees. The Committee also cited lengthy proceedings involving law enforcement officers and investigations of alleged human rights violations by law enforcement officials that "lacked vigor" as potential problems. Additionally, the European Committee for the Prevention of Torture (CPT), an organ of the Council of Europe, in a June 1998 report criticized the National Police forces of Paris, Marseille, and Montpellier for the mistreatment and poor conditions of detainees in police stations. Most of the complaints came from persons of North African or African origin.

The Government is in the process of instituting certain judicial and administrative reforms that address mistreatment of detainees by law enforcement officials. One such reform currently being debated in the Parliament, known as the "presumption of innocence" bill, would require a senior judge, rather than an investigating judge, to review decisions on pretrial detention. In addition, under the bill most detainees would have the right to see their lawyer 1 hour after being detained by the police (as compared with 20 hours under the current law). A second reform, also being debated in the Parliament, is the creation of a national commission on security ethics to oversee the actions of police officials and to investigate complaints of police abuse from witnesses or victims.

In April an unauthorized beach restaurant was burned, reportedly by members of a secret antiterrorist police unit. The event led to the dismissal and arrest of the prefet for Corsica, Bernard Bonnet, under whose authority the unit operated. Bonnet was incarcerated briefly and then released. A judicial investigation of the unit's activities, and Bonnet's role in its direction, continued at year's end.

An administrative investigation into a March 1997 incident in which riot police beat a few dozen persons demonstrating against the National Front (FN) in Marseille continued at year's end. To keep the anti-FN demonstrators away from their FN counterparts, the police, according to eyewitnesses, allegedly used excessive force by beating demonstrators and using tear gas grenades.

On July 2, the authorities arrested Mauritanian army Captain Ely Ould Dah in Montpellier, where he was attending a training course at a French army college. The arrest was in response to accusations by two Mauritanian refugees living in France, who alleged that Dah is responsible for torture inflicted upon them when they were soldiers in Mauritania in 1990 and 1991 and were suspected of taking part in an attempted coup d'etat against Mauritanian President Maaouya Ould Taya. Dah was arrested pursuant to a complaint filed by the International Federation of Human Rights Leagues and the French League of Human Rights under the International Convention Against Torture. The authorities detained him for questioning; the Montpellier Court of Appeal released him on September 29, but required that he remain in the country. The investigation continued at year's end.

There were numerous bombings in Corsica throughout the year. Many of these attacks were not politically motivated; however, several attacks were made against symbols of the French state (such as police stations, customs offices, and tax offices) or against financial institutions that Corsican separatists view as harmful to the economic interests of Corsicans. Such attacks usually occurred when offices were closed, and there were no deaths or injuries reported during the year.

Prison conditions generally exceed minimum international standards. However, public debate continued on the adequacy of prison conditions. Some observers continued to criticize prisons for not providing inmates with adequate light, sleeping space, blankets, meals, outdoor exercise, and medical care. There were 201 deaths of persons in custody in 1998, including 118 suicides. (There were 203 deaths of persons in custody in 1997 and 125 suicides). The 1998 report of the French international NGO International Observer of Prisons (IOP) noted that despite the implementation of preventive policies at 11 sites, suicide continued to be the leading cause of death of imprisoned inmates. Other deaths resulted from poor medical care and supervision of prison personnel. The report also criticized incidents of brutality, particularly against prisoners of African origin, by prison officials—incidents that resulted in the number of disciplinary sanctions against surveillance personnel increasing threefold.

In Grasse during the night of December 31, 1997, seven inebriated prison guards severely beat eight inmates of African origin, of whom three were minors, strangling one. In June a correctional Court convicted three of the prison guards, and gave them each a 3-month suspended sentence.

The Government is in the process of considering a draft code of ethics for prison guards and is forming a working group, to be chaired by the head of the Court of Cassation, to make recommendations for additional administrative oversight of the actions of prison officials. Observers have criticized the current oversight mechanism as being ineffective because there is no external administrative oversight outside of the Ministry of Justice, which is responsible for both prison administration and the discipline of prison officials.

In its 1998 report reflecting conditions in 1996, the CPT found that police holding cells did not satisfactorily accommodate prisoners' needs. For example, police prison cells frequently had inadequate natural light, sleeping space, and blankets. In addition, prisoners received inadequate meals, outdoor exercise and medical care, according to the CPT. In July the Government announced plans to improve prison conditions by renovating five existing prisons and building six new ones.

In an attempt to reduce prison overcrowding, a December 1997 law called for experimentation with the "electronic bracelet" in 1998 for inmates serving less than a 1-year sentence or for those finishing their sentences. The IOP report also highlighted a increase in the number of minors incarcerated in 1997.

The Government permits prison visits by human rights monitors.

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

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some suspects spend many years in prison before a trial even starts. According to the Prison Administration, as of January 1, 20,610 of the 53,055 persons held in jails and prisons were awaiting trial. A system of bail exists.

As part of heightened security concerns during the visit of Iranian President Mohammad Khatami to Paris at the end of October, police briefly detained and then released several dozen Iranian activists, including members of the Mujahedin-e Khalq organization, which had been responsible for previous violent incidents in France.

The six resident non-French Muslims detained in 1994 by police on suspicion of supporting Algerian terrorists are believed to have been tried in the "Chalabi network" case in October 1998, or released.

The law prohibits exile, and it does not occur.

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

There is a system of local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.).

On December 14, the European Court of Human Rights ruled that France violated Article 6 of the European Convention on Human Rights in the case of Faouzi Khalfaoui. Khalfaoui was required to present himself to be taken into custody by law enforcement officials the day before consideration of his case by the Court of Cassation if he wished that court to consider his appeal. The European Court of Human Rights ruled that such a procedure violated Khalfaoui's right to a fair trial.

In case of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. In some cases this procedure has resulted in lengthy detentions of suspects before they are tried. The chambre d'accusation reviews the investigating judge's investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

On January 22, the Paris Court of Appeal confirmed the sentences of those convicted in the October 1998 "Chalabi network" trial. According to press reports, the sentences of the 3 main defendants were reduced to 8 years from the 10 years requested by the prosecutor. Fifty-one of the 138 defendants were acquitted of the charge of criminal conspiracy. However, 20 of those 51 were sentenced for related offenses. A total of 31 persons were acquitted of all offenses. Attorneys for the accused, as well as the NGO League of Human Rights, continued to criticize the fairness of the proceedings due to the "circus" atmosphere of the mass trial. In addition, on November 9, the European Court of Human Rights ruled that France violated the human rights of one of the defendants, Ismail Deboubb, due to his lengthy pretrial detention. Although Deboubb ultimately was convicted and sentenced to 6 years in prison, he spent over 4 years in detention before being tried. The European Court of Human Rights found that he was not tried within a reasonable time, in accordance with the European Convention on Human Rights.

In September 1998, Omar Raddad, the Moroccan gardener accused and convicted of brutally killing his employer in 1994, was released from prison on conditional terms after having served 4 years and several months of his 18-year sentence, which was reduced by President Jacques Chirac in 1996. Raddad and his attorneys continued to insist that the court in Nice denied him an adequate and fair trial. According to Raddad's attorney, immigration officials expelled a key witness for his defense because the witness did not have proper residence papers. Raddad's attorney submitted a motion for a retrial in January, which was pending at year's end.

There were no reports of political prisoners.

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

In April 1998, Prime Minister Lionel Jospin called for an individual examination of each wiretapping case deemed inappropriate by the National Commission for the

Regulation of Wiretapping (NCRWT). According to press reports, the judge investigating the matter nearly had completed his case-by-case investigation by year's end, and is expected to submit his findings to the public prosecutor's office in early 2000. According to the most recent report compiled by the NCRWT, the number of wiretaps by police authorities remained constant in 1998. The limit on the number of wiretaps established by the Prime Minister in 1997 did not change during the year, and according to the NCRWT, the actual number of wire taps during 1998 was below that limit. Wiretapping is legally recognized as a right of the government, but its improper use during former President Francois Mitterrand's tenure led to Jospin's action.

Debate continues over whether Muslim girls have the right to wear headscarves in public schools (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

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

On January 21, the European Court of Human Rights decided that that France had violated Article 10 of the European Convention on Human Rights (on freedom of expression) in the case of publishing director Roger Fressoz and journalist Claude Roire of the newspaper Le Canard Enchaine. The September 27, 1989 issue of the newspaper carried an article written by Roire with reproductions of incriminating tax forms belonging to Jacques Calvet, chairman of Peugeot motor company. The public prosecutor brought charges of theft, breach of professional confidence, and handling of unlawfully obtained goods against Roire and Fressoz. Clavet joined the proceeding as a civil party and claimed damages. The Minister for Budget also joined the proceeding as a party and added further allegations of unlawful removal of government documents and breach of professional confidence. On June 17, 1992, the Paris criminal court ruled in favor of the defendants, finding that the tax forms had been sent to Roire in an anonymous envelope and that the source could not be determined. In March 1993, the Court of Appeals reversed the criminal court's decision, finding that the defendants knowingly handled documents that were the result of a breach of professional confidence. In April 1995, the Court of Cassation dismissed the defendants' appeal. Fressoz and Roire took the case to the European Court of Human Rights, and on January 21 the court ruled that their actions were protected by the freedom of expression contained in the European Convention on Human Rights, and that the decisions of the Court of Appeals and the Court of Cassation constituted a breach of the Government's obligation to abide by the Convention. The court ordered the Government to pay Fressoz and Roire approximately $1,670 (10,001 francs) in monetary damages and approximately $10,000 (60,000 francs) for costs and expenses.

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

c. *Freedom of Religion.*—The law provides for the separation of church and state and for freedom of religion, and the Government generally respects this right in practice. However, the Government took some actions during the year that affected religious minorities that it describes as "sects."

Religious groups may register as "associations cultuelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes, but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under a 1905 statute. The prefecture, upon reviewing the documentation supplied regarding the association's purpose for existence, then can grant that status. However, the prefecture can decide to review a group's status if the association receives a large donation or legacy that comes to the attention of the tax authorities. If the prefecture determines that the association is not in fact in conformity with the 1905 law, its status can be changed, and it can be required to pay a 60 percent tax rate on present and past donations.

For historical reasons, contrary to practice in the rest of the country, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four reli-

gions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The State subsidizes private schools, including those that are church affiliated. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

Some religious minorities have experienced problems with the wearing of special religious clothing. For example, debate continues over whether denying some Muslim girls the right to wear headscarves in public schools constitutes a violation of the right to practice their religion, and there has been no definitive national decision on the issue. In 1989 the highest administrative court, the Conseil d'Etat, ruled that the "ostentatious" wearing of these headscarves violated a law prohibiting proselytizing in schools. In 1994 the Ministry of Education issued a directive that prohibits the wearing of "ostentatious political and religious symbols" in schools; however, the directive does not specify the "symbols" in question, leaving school administrators considerable authority to do so. In 1995 the Conseil d'Etat affirmed that simply wearing a headscarf does not provide grounds for exclusion from school and subsequently struck down some decisions to expel girls for wearing headscarves. On June 18, the Government Commissioner recommended that the administrative court repeal its October 1998 expulsion decision regarding a girl less than 10 years of age who refused to remove her headscarf. The Government Commissioner stated that no threat to public order was posed and that the school administrator was incompetent to make the definitive decision.

According to the press reports, in January teachers at a junior high school in Normandy refused to teach Muslim students with headscarves. Also that month, the press reported that Interior Minister Jean Pierre Chevenement said that headscarves often mark women as inferior to men, and make their integration into French society more difficult. In September the Government upheld a decision to expel two Muslim girls from their junior high school after they wore scarves in class. In October the Conseil d'Etat reaffirmed a ban on headscarves in public schools.

The Government's response to some minority groups that it views as "sects" or "cults" has been to continue to encourage public caution. In 1995 after the release of poisonous gas in the Tokyo, Japan, subway by the Aum Shinrikyo cult, the National Assembly formed a parliamentary commission, also known as the Gest or the Guyard Commission, to study so-called "sects." In 1996 the Commission issued a report that defined sects as groups that place inordinate importance on finances; cause a rupture between adherents and their families; are responsible for physical as well as psychological attacks on members; recruit children; profess "anti-social" ideas; disturb public order; have "judiciary problems;" and/or attempt to infiltrate organs of the State. Government officials have stated that "sects" are "associations whose structure is ideological and totalitarian and whose behavior seriously oppresses fundamental liberties as well as social equilibrium." (These attributes are in addition to specific criminal behavior prohibited by law.) The Commission's report identified 173 groups as sects, including Jehovah's Witnesses and the Church of Scientology. The report was prepared without the benefit of full and complete hearings regarding the groups identified on the list. Groups were not told why they were placed on the list, and, because the document exists as a commission report to the National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly commission inquiry and report.

The ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list. A number of individuals who belong to groups on the list continued to report discrimination during the year—for example, the loss of a job or the denial of a bank loan—which they believe occurred because of their affiliation with a "sect." In a November 1998 report, the International Helsinki Federation criticized the identification of the 173 groups, which it stated "resulted in media reports libeling minority religions, the circulation of rumors and false information, and incitement of religious intolerance." The Commission's findings also led to calls for legislative action to restrict the activities of sects, which the Government rejected on grounds of religious freedom. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and all government offices were instructed to monitor potentially abusive sect activities.

In 1996 the Government created an interministerial working group on sects (known as the Observatory on Sects) to analyze the phenomenon of sects and to develop proposals for dealing with them. The working group's final report in 1996 made several proposals, including the granting of legal standing to organizations that oppose sects; a modification of the law requiring associations to divulge information regarding the sources and management of their finances related to their ef-

fort to obtain tax-exempt status; a limit on the allocation of public campaign funds in order to limit public financial support for small fringe groups; the creation of a representative in each prefecture to provide information on sects to local officials; the creation of a permanent commission at the European Union level to reinforce international cooperation in controlling sect activities; and measures to restrict group members' entry into professional training programs.

In October 1998, the Government issued a new decree disbanding the Observatory on Sects and creating an "Interministerial Mission to Battle Against Sects" (mission interministerielle de lutte contre les sectes). Although the decree instructs the commission to "analyze the phenomenon of sects," it does not define what is meant by the term "sect," or how sects differ from religions. The Interministerial Mission also is charged with serving as a coordinator of periodic interministerial meetings, at which government officials are to exchange information and coordinate their actions against sects.

The Interministerial Mission continued to carry out its mandate during the year. However, publication of the Mission's 1999 report was delayed. According to press reports, this delay was due to government reservations about the content of the report, which reportedly advocated new legislation aimed at abolishing a number of so-called "dangerous sects." The Prime Minister's office, as well as some prominent government figures, publicly opposed such measures, citing concerns about the constitutional provision for "freedom of conscience."

In December 1998, the National Assembly debated and passed a proposal that would allow two specific antisect groups, both classified as "public utilities," to become parties to court actions involving sects. During the year the Senate passed a version of the same bill; the proposed legislation was sent back to the National Assembly for further consideration.

In December 1998, the Ministry of Justice issued a circular urging state prosecutors to cooperate with the Interministerial Mission in bringing actions against sects.

Also in December 1998, the National Assembly created a new parliamentary commission to study the way that sects are financed. On June 18, the Commission released its report, based on questionnaires sent to groups listed as "sects" in the 1995 Gest Commission report. The questionnaires, which were sent out in March, requested detailed information about the finances of these groups, including donations, investments, financial activities, and other sources of income. The report focused on multinational groups, especially Jehovah's Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities. The report also raised questions about volunteers, who should be compensated under the law for providing free labor to "for profit" organizations.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government currently does not recognize Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes, and therefore subjects them to a 60 percent tax on all funds they receive.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May 1998, the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June 1998, tax authorities began proceedings to collect the assessed tax, including steps to place a lien on the property of the National Consistory of Jehovah's Witnesses. The total amount claimed (including taxes, penalties, and interest) is over $50 million (300 million francs). According to the International Helsinki Federation's 1998 report, Jehovah's Witnesses "have been singled out for close scrutiny." The tax proceedings continued at year's end.

The authorities previously took similar action against the Church of Scientology. Tax claims asserted in 1994–95 against several Scientology churches forced them into bankruptcy. In the case of the Paris church the Ministry of Finance refused to grant the church authorization to import funds to pay the claimed taxes even though the church offered to pay the total amount of all taxes assessed, a percentage of which would have come from outside the country. Subsequently, in December 1997, the Government filed legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International (a California nonprofit organization). The hearing in this legal action was deferred pending a decision regarding a 1998 administrative claim filed with the Conseil d'Etat by the Paris church that the Minister of Finance acted improperly in refusing to allow the church to import funds to pay the assessed taxes. In January the Conseil d'Etat requested the advice of the European Court of Justice, and was awaiting a response at year's end.

In July 1997, a Court of Appeals in Lyon recognized Scientology as a religion in its opinion in the conviction of Jean-Jacques Mazier, a former leader of the Scientologists, for contributing to the 1988 suicide of a church member. In response the Minister of the Interior stated that the court had exceeded its authority and that the Government does not recognize Scientology as a religion. The Government appealed the Court of Appeals decision, but on June 30, the Court of Cassation rejected the Government's appeal, but the Court stated that it lacked the authority to decide if Scientology was a religion.

There have been a number of court cases against the Church of Scientololgy, which generally involved former members who sue the Church for fraud, and sometimes for the practice of medicine without a license. A September case in the Marseilles Correctional Court received wide media attention after judicial officials admitted that 3½ tons of documents pertaining to the case had been destroyed by mistake. In November the court found a former local leader of the Church of Scientology and four other Church employees guilty of fraud for swindling money from former members. The court sentenced the local leader to 2 years in prison, of which 18 months were suspended and the remaining 6 months served prior to sentencing, and a fine of approximately $16,700 (100,000 francs). The other four members received suspended sentences; charges against two other persons were dropped.

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

The law includes provisions for the grant of refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1998 the Government began implementing a new law that addresses both asylum requests and illegal aliens. The Government provides first asylum. During the year, the Government accepted approximately 6,500 persons from Kosovo; these persons were not allowed to file asylum applications, and are expected to return to Kosovo. In 1998 the Government received 22,375 requests for asylum and issued 4,342 refugee certificates (a document issued to successful asylum applicants). The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

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

There are no legal restrictions on the participation of women in politics or government, but they remain significantly underrepresented in public offices, especially at the national level. Eleven of 28 cabinet members, 5.9 percent of senators, and 10.9 percent of deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence—40 percent of the country's elected representatives are female. To increase women's participation, some parties have established quotas for them on electoral lists or in party management. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

On June 28, a joint session of both the Senate and the National Assembly approved a constitutional amendment on the principle of "equal access of men and women to electoral mandates and elective functions."

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

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

A wide variety of local and international human rights organizations operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)—which has nongovernmental as well as government members—also monitors complaints and advises the Government on policies and legislation. It is an independent body in the Office of the Prime Minister.

In December 1998, the Parliamentary Commission released its final report on government actions in Rwanda during the genocide of 1994. The Commission was convened in response to press allegations that France supplied arms to the Hutu-dominated Rwandan army forces, which used them in the genocide committed against Tutsis in violation of the May 1994 U.N. Security Council embargo forbidding such sales. The report was critical of France's overall involvement in Rwanda, but it cleared the Government of any direct implication in the 1994 genocide.

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

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and the Government effectively enforces them.

Women.—The Penal Code prohibits rape and spousal abuse, and law enforcement authorities vigorously enforce these laws; however, violence against women remains a problem. The Ministry of Interior has reported that in 1998 there were 7,828 rapes and 12,809 instances of other criminal sexual assault. The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Trafficking in women occurs (see Section 6.f.). Prostitution is legal; acting as a pimp is not. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), deals with trafficking in women, prostitution, and pimping.

The law requires that women receive equal pay for equal work, but this requirement is often not the reality. Reports by various governmental and nongovernmental organizations indicate that men continue to earn more than women, and unemployment rates continue to be higher for women than for men. For example, a report released on September 2 by National Assembly Deputy Catherine Genisson indicates that in the 5,000 largest French firms, the average difference in salary between men and women is 27 percent. A study prepared for the Ministry of Employment, which was made public on August 11, indicates that in March 1998 (the month the study was completed) the unemployment rate for women was 14 percent versus 11 percent for men.

The law prohibits sex-based job discrimination and sexual harassment in the workplace. Thus far these laws have encountered difficulties in implementation. Women's rights groups criticize the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisor-subordinate relationship but fails to address harassment by colleagues or a hostile work environment.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian. In 1998 there were approximately 19,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Of these cases, approximately 5,000 involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. The Government provides counseling, financial aid, foster homes, and orphanages, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Some immigrants from countries where female genital mutilation (FGM) is customary subject their children to this practice, which is widely condemned by international health experts as damaging to both physical and psychological health. Authorities prosecute FGM cases under the provisions of the Penal Code, which states that acts of violence towards children that result in mutilation shall be tried in the highest criminal court. Since 1993 the Government and private associations have undertaken a campaign to inform immigrants that FGM is contrary to the law and would be prosecuted.

On February 17, a Paris court sentenced a Malian woman, Hawa Greou, to 8 years in prison for performing FGM on 48 girls between the ages of 1 month and 10 years. The jury also convicted 27 parents, who received suspended sentences ranging from 3 to 5 years' imprisonment. Most were from Gambia, Mali, Mauritania, and Senegal. The case attracted significant public attention because it was brought by a victim, Mariatou Koita, age 23, who told a judge in 1995 that Greou performed FGM on her and her sisters when they were children.

In the fall, high school students again conducted demonstrations for better schools and more teachers; the demonstrations were not as extensive as those in 1998.

People With Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1991 law re-

quires new public buildings to be accessible to the physically disabled, but most older buildings and public transportation are not accessible.

Religious Minorities.—According to the annual NCCHR report on racism and xenophobia, released in the spring, the downward trend since 1992 continues in the number of threats or attacks against Jews. There were a total of 81 threats and 1 act of violence in 1998 compared with 85 threats and 3 acts of violence in 1997.

On October 21, the Court of Cassation upheld a Bordeaux court's 1998 conviction of Maurice Papon for his actions as secretary general of the Prefecture of Gironde from 1942 to 1944. Papon was found guilty of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. The Bordeaux court had sentenced him to 10 years' imprisonment; however, he had not been detained because he had appealed to the Court of Cassation, and just before that court's ruling, Papon fled from his home. His failure to appear resulted in an automatic rejection of his appeal. On October 22, he was arrested in Switzerland and returned to France; he was in prison at year's end. According to press reports, his lawyer intends to take the case to the European Court of Human Rights.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments sparked incidents including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted a continuing decrease in the number of reported incidents of racist violence and threats—84 threats were reported in 1998, a decrease from 121 in 1997. The number of reported incidents of racist violence increased to eight in 1998 from five in 1997. There were no deaths due to racist violence in 1998, compared with one death in 1997.

The Government strongly condemns such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There are also antiracist educational programs in some public school systems.

The annual NCCHR report expressed concern about a possible trend toward increased tolerance by the public for racist propaganda and racial speech. The Commission suggested that the Government take action to strengthen the law to address the problem of racist propaganda and speech, and that public political figures take every opportunity to speak out strongly against racism.

According to the 1998 public opinion poll reported in the annual NCCHR report, 10 percent of those polled admitted to being "rather racist," 28 percent admitted to being "a little racist," 24 percent said they were "not very racist," 36 percent said they were "not at all racist," and 2 percent had no response.

The Ministry of Labor estimated that in 1998 approximately 5,300 persons between the ages of 16 and 18 and 5,500 persons between the ages of 13 and 16 applied for French nationality under the new law that went into effect on September 1, 1998. The Government's High Council on Integration reported that 13,764 persons between the ages of 16 and 18, and 11,781 persons between the ages of 13 and 16 applied during the first half of 1999.

Romani asylum seekers often remain in the country after their claims have been denied. They do not have official papers, which limits their access to health care and education. They often live in crowded conditions without proper sanitary facilities. According to an NGO report, on July 19, police expelled approximately 100 Romanian Roma from a camp near Paris. Also according to NGO reports, on August 12, a mayor in Tonnoy ordered a roughly 3-foot ditch dug along the front and side of one Romani camp. The law allows Roma to use public land for up to 8 days, and makes the local authorities responsible for providing water and sanitation.

The Administrative Court in Nantes continued to consider the June 1998 appeal of Moroccan national Khaddouj Tahir at year's end. In November 1997, Tahir was refused naturalization because she wore a hejab veil during her final interview. Naturalization officials stated that "her garments showed a refusal to integrate into the French community." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for freedom of association for all workers. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body.

Unions are independent of the Government, and most are not aligned with any political party. However, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, are free to strike except when a strike threatens public safety. One-fourth of all salaried employees work for the Government. The number of workdays lost to strike action in the private sector remained at or near postwar lows until the end of the year, when the number of strikes increased. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over implementation of the 35-hour workweek, salaries, privatization or reorganization plans, and working conditions (of which hours, staffing, and personal security were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the health and educational systems. Public transportation workers in Paris and other cities struck repeatedly in support of demands related to the implementation of a 35-hour workweek or the deployment of additional security personnel to deal with violence directed at transportation personnel. Railway workers also mounted strikes in support of demands related to the 35-hour workweek. Firemen and rescue workers throughout the country mounted sporadic strikes to support demands to reclassify their work as dangerous and thus allow them to retire early. In September violent demonstrations broke out in the overseas territory of Guadeloupe following the arrest of a union official for attacking police and threatening the life of another union official. In the French Caribbean island of Martinique, steadily deteriorating relations between employers and unions led to a wave of strikes that culminated in worker disruption of activities at the main harbor and airport in October.

The law prohibits retaliation against strikers, strike leaders, and union members, and the Government effectively enforces this provision.

Unions can freely join federations and confederations, including international bodies.

b. *The Right to Organize and Bargain Collectively.*—Workers, including those in the three small export processing zones, have the right to organize and bargain collectively. The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

A 1982 law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and nonunion employees, are elected every 2 years.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited by law, and the Government effectively enforces this provision.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. Generally, work considered arduous or work between the hours of 10 p.m. and 5 a.m. may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law. The law prohibits forced or bonded child labor, and the Government effectively enforces this prohibition (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The administratively determined minimum wage, revised whenever the cost-of-living index rises 2 percentage points, is sufficient to provide a decent standard of living for a worker and family. The hourly wage was changed to $6.57 (40.72 francs) as of July 1. The legal workweek is 39

hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

In December Parliament adopted a law establishing the principles that would guide implementation of a reduction of the legal workweek to 35 hours, starting in 2000, for firms with more than 20 employees. Firms with less than 20 employees are expected to have until January 2002 to adjust to the new law.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. *Trafficking in persons.*—The law prohibits the trafficking of persons. The Penal Code prohibits facilitating prostitution by another person, and associated activities, including acting as an intermediary for persons who prostitute themselves. Penalties are significantly higher if a minor is involved, or if the activity is accompanied by violence. The Government enforces these laws vigorously. However, trafficking in women occurs.

France is primarily a transit point for trafficked women rather than a source or destination. The Office for the Repression of Trafficking in Humans (OCRTEH), located within the Ministry of the Interior, reported that in 1998 the authorities dismantled 16 international trafficking rings, and charged 518 persons with trafficking or pimping. According to OCRTEH, nearly a third of female victims of trafficking were foreigners, and the number of minors who were victims remained constant from 1996 to 1998. Law enforcement authorities believe that women transiting France come primarily from Eastern Europe and go to Africa or South America.

GEORGIA

Georgia declared independence from the Soviet Union in 1991. Multiparty parliamentary elections followed a military coup in 1992 that ousted the elected government of Zviad Gamsakhurdia and brought Eduard Shevardnadze to power as head of a provisional government. The civil war and separatist wars that followed weakened greatly central government authority, not only in separatist Abkhazia and Ossetia, but also in other areas of the country, and the extent of central authority and control remain in question. The 1995 Constitution provides for an executive branch that reports to the President and a legislature. In 1995 Eduard Shevardnadze was elected President, and a parliament was selected in elections described by international observers as generally consistent with democratic norms, except in the autonomous region of Ajara. Local elections were held for the first time in November 1998. Parliamentary elections were held on October 31, which the Organization for Security and Cooperation in Europe (OSCE) characterized as a "step toward Georgia's compliance with OSCE commitments". The President appoints ministers with the consent of the Parliament. The Constitution provides for an independent judiciary; however, it is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia that erupted in the early 1990's are still unresolved. Cease-fires are in effect in both areas, although sporadic incidents of violence occur in Abkhazia. These conflicts, together with problems created by roughly 283,000 internally displaced persons (IDP's), pose a significant threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians—a large plurality of the population—were expelled or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in the conflict area with the agreement of the Government and the Abkhaz separatists. The Georgian and Abkhaz sides have yet to conclude an agreement on the return of IDP's to the Gali region. A limited number have returned on their own. As a result of fighting in May 1998, almost all of the 53,000 Georgian IDP's who had returned to the Gali region of Abkhazia fled again. Approximately 17,000 Georgian IDP's returned to the Gali region for the harvest during the year, and many are expected to remain. A Russian peacekeeping force also has been in South Ossetia since 1992. Repatriation to South Ossetia has been slow. The Government has no effective control over Abkhazia or much of South Ossetia. Almost no IDP's have returned to other parts of Abkhazia, although ethnic Svans continue to inhabit the Kodori River valley, part of the former Abkhaz Soviet Socialist Republic that remains under nominal government control.

The Ministry of Internal Affairs (MOI) and Procuracy have primary responsibility for law enforcement, and the Ministry of State Security (MSS, formerly the KGB)

plays a significant role in internal security. In times of internal disorder, the Government may call on the MOI or the army. Elected civilian authorities do not maintain adequate control over the law enforcement and security forces. Members of the security forces committed serious human rights abuses, although the number decreased slightly from the previous year.

The Government made efforts to develop a market-based economy. Agriculture represents approximately 30 percent of gross domestic product (GDP). Per capita GDP in 1998 was estimated to be $3,330. The World Bank estimated that 11 percent of the population were under the poverty level. The economy grew during the year, although at a much lower rate than in the previous year. Monetary policy continued to be tight and the exchange rate was relatively stable. However, there was a growing fiscal deficit, as revenue collection continued to be very low. Government salaries and pensions were still in arrears. Key exports are manganese, wine, mineral water, and agricultural products.

The Government's human rights record was uneven and serious problems remain in some areas. Police and security forces continued to torture, beat, and otherwise abuse prisoners and detainees, force confessions, and fabricate or plant evidence. Several deaths in custody were blamed on security force abuse or prison conditions. Local human rights groups reported that these abuses declined again during the year, continuing a trend begun in 1998; however Human Rights Watch reported no substantial improvement. Authorities allegedly continued to use arbitrary arrest and detention. Corruption was pervasive. Although prison conditions remain inhuman and life threatening, most government promises of reforms remain unfulfilled. The Ministry of Justice gained formal jurisdiction over the prison system from the Ministry of Interior; however the MOI retains a significant role in prison staff and investigations. Senior government officials acknowledged serious human rights problems, especially those linked to law enforcement agencies, and sought international advice and assistance on needed reforms. However, while structural reforms designed to improve respect for human rights were passed by Parliament, law enforcement agencies were slow to adapt their practices to democratic norms, and impunity remains a problem.

A new Criminal Code was passed in June. The Criminal Procedures Code, passed in November 1997, underwent substantial amendment in the spring in response to complaints by security forces, and their previous powers—which involved abuse of prisoner rights—essentially were restored. Prolonged pretrial detention remains a problem. The judiciary is subject to pressure and corruption and does not always ensure due process; judicial reform efforts have been aimed at creating a more independent judiciary. There were lengthy delays in trials; however, there were some improvements in the judiciary during the year. As a result of the Law on Common Courts, many corrupt and incompetent judges were removed from the bench and replaced by judges who passed a qualifying exam and vetting process. Law enforcement agencies and other government bodies illegally interfered with citizens' right to privacy. The press generally was free, but there were instances of government constraint on some press freedoms. The Government limited freedom of assembly for supporters of the political movement founded by former Georgian President Zviad Gamsakhurdia, and security forces continued to disperse some peaceful rallies violently. Government officials and politicians infringed upon freedom of religion. Violence and discrimination against women are problems.

Georgia's accession to the Council of Europe in April led to new legislation giving the Ministry of Justice jurisdiction over the prison system from the Ministry of the Interior, although the latter will continue to staff the facilities.

Increased citizen awareness of civil rights and democratic values and the continued evolution of civil society provided an increasingly effective check on the excesses of law enforcement agencies. The number of independent nongovernmental organizations (NGO's) continued to increase, as did their ability to speak out for, and defend the rights of, individual citizens. However, international observers noted that most of this growth is concentrated in Tbilisi and that the regions still have weak NGO communities. Criticism from the press and the NGO community played an important role in reducing the incidence of prisoner abuse.

There was little information available on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government agents.

The Government stated that 57 prisoners died in prison and 9 prisoners died in pretrial detention during the year. Human rights NGO's and press allege physical abuse, torture, and inhuman prison or pretrial detention conditions contributed to deaths in pretrial detention. The authorities attributed the majority of these deaths to illness. Authorities also attributed nine such deaths to suicide, including that of Ivane Kolbaya, who on March 22 fell to his death from a fifth floor window of the Ministry of Interior while being questioned about his alleged involvement in a theft. An international human rights NGO brought this case to the Government's attention, as well as four others, including the 1998 death of Gulchora Dursunova and the 1997 deaths of Akaki Iacobashvili and Eka Tavartkiladze. In May the National Security Council requested that the Procuracy determine the legality of the decisions made in these cases and the Procuracy upheld all the decisions. However, the Procuracy was continuing to investigate Kolbaya's death at year's end. On December 4, Zaza Tsitsilashvili allegedly threw himself to his death from the sixth floor of the Ministry of Interior. The case is under investigation. Family members, however, say his corpse showed evidence of being beaten.

Killings were committed by elements on either side of the separatist conflict in Abkhazia, including by partisan groups and by Abkhaz separatists. The partisan groups in the past have received government support and training; however, the Government claims that it can no longer control the partisans. The number of incidents decreased from the previous year. Killings and other abuses on either side of the conflict are not being investigated, prosecuted or punished.

Nuzgar Levasha, Deputy Energy Minister in Gamsakhurdia's government was found apparently beaten to death following a peaceful demonstration in December 1998. Levasha's death was investigated and deemed a suicide by the authorities.

b. *Disappearance.*—On September 28, Manana Gamsakhurdia, the wife of the former president, alleged that she was kidnaped by three men a few days earlier. She returned unharmed. NGO sources claimed that she was escorted from the city to prevent an anticipated demonstration. No investigation has taken place.

In mid-October, gunmen, apparently with criminal motives, seized six U.N. observers and their translator as they were delivering aid in Abkhazia; they were released a few days later.

On September 8, a prisoner exchange took place in which the Abkhaz returned 10 Georgians, including 9 fisherman abducted off the coast of Abkhazia on April 3, in exchange for 3 Abkhaz militiamen and 1 resident citizen of Abkhazia.

Georgian and Abkhaz commissions on missing persons reported that the fate of over 1,000 Georgians and several hundred Abkhaz who disappeared as a result of the war in Abkhazia still is unknown. No progress was made in determining their whereabouts. The International Committee of the Red Cross (ICRC) cooperated in the effort through its Red Cross message system. Georgian partisan groups active in Abkhazia periodically took hostages, usually to exchange for captured compatriots. The Government has claimed consistently that it was unable to control them and asserted that the partisans in reality are bandits numbering no more than 20 to 30 individuals.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids the use of torture; however, members of the security forces continued to torture, beat, and abuse prisoners and detainees, usually to extract confessions. According to a local human rights group, there was again a slight decline in the incidence of such abuse. This group attributed the reduction to a more open society, increased intolerance of police misconduct, greater public awareness of civil rights, and increased pressure from the international community. However, one prominent human rights organization claims the authorities are simply better at hiding their abuse. Serious abuses and police misconduct continue and corruption and criminality, such as the fabrication or planting of evidence, remain problems.

The most serious incidents of abuse occur in the investigative stage of pretrial detention when suspects are interrogated by police. According to human rights observers, those who suffer such abuse are held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.).

Police misconduct was worse outside of Tbilisi, where awareness of laws and citizens' rights is lower and human rights NGO's are less active.

Impunity remains a problem. Although in the past a number of policemen were arrested or disciplined for physical abuse, none were arrested during the year. Recent changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). Accountability tended to occur only in extreme cases, such as those resulting in death, and even then it is rare (see Section 1.a.). For example, in January 1998, Giga Shukashvili was detained in the Gldani district police station where allegedly he was beaten severely and coerced into signing false testimony about a theft. The following day, he was transferred to

the main police department of Tbilisi and placed in a room with six or more inmates. He claims that these persons were police informers who allegedly beat him over the course of 18 days. Although the Procuracy continues to investigate his case, Shukashvili stated that he was detained again in May in an attempt to intimidate him into withdrawing his complaint.

Domestic human rights advocates reported that the use of torture, such as electric shock, to extract confessions diminished somewhat. However Human Rights Watch reported that mistreatment and physical abuse of detainees continued to be rampant.

In the past, security forces have tortured some defendants in politically sensitive cases, such as members of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers reported that abuse most commonly occurred in two pretrial detention facilities, Isolator 5 in Tbilisi and the pretrial facility in Kutaisi. Isolator 5, in the basement of the Ministry of the Interior headquarters, was the facility in which detainees suspected of a serious crime or whose cases had political overtones were incarcerated. According to local human rights observers, despite calls by senior law enforcement officials for investigators to show restraint, many persons who were detained in Isolator 5 afterwards reported that they were beaten or otherwise abused. Often the threat of incarceration in this facility was sufficient to induce a confession. In contrast to those arrested in connection with the 1995 assassination attempt on President Shevardnadze, those arrested on May 22 for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze reportedly were not mistreated. None of the suspects reported any severe physical torture being employed during the investigation. Human rights observers also noted that the Procuracy collected evidence in addition to confessions for use in the court proceedings. The families and state-appointed advocates of the defendants had limited access to them.

Government officials acknowledged that members of the security forces in the past beat and abused prisoners and detainees on a routine basis. Government officials continued to claim that a lack of proper training, poor supervision of investigators and guards, and lack of equipment often resulted in abuse. For example investigators in the past were trained to obtain confessions rather than use physical evidence to assemble a case. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code (see Section 1.e.) would make it difficult for them to combat crime, amendments to the code in May and June reinstated many of their powers.

International and local human rights observers expressed concern that corruption is related to the number of police officers nationwide. Although the Government officially employed only approximately 35,000 policemen, these observers estimated that in reality the numbers employed may have reached 80,000. The Government was unable to pay the salaries for the police force. Consequently, police solicited bribes from the general population, especially motorists. The period between an arrest and a bail hearing was another opportunity for solicitation. Police reportedly approached the suspect's family and offered to drop charges in exchange for a bribe.

Members of Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. Despite fear of retaliation, there was a 100 percent increase in claims filed; however, fear prevented many from filing claims and not all claimants followed their claims all the way through to trial. The National Security Council's human rights advisor also had a mandate to investigate claims of abuse. In 1995 the Constitution mandated a Human Rights Defender, or ombudsman. The first ombudsman took office in November 1997, but resigned in August to run for Parliament. During his tenure, the ombudsman focused his attention on social and economic rights and was not active in defending individuals from abuse by law enforcement agencies (see Section 4). No replacement has been named.

Members of the security forces beat members of religious minorities (see Section 2.c.).

Prison authorities admitted that conditions are inhuman and life threatening in many facilities. They blamed inadequate cell space, medicine, and food on a lack of resources. The President pardoned 1,500 prisoners in April and 1,700 in October as a means of alleviating overcrowding. Observers still consider the prisons overcrowded. The lack of proper sanitation, exercise, medical care, and food posed a serious threat to the life and health of prisoners.

The prison mortality rate reportedly was high; however, human rights NGO's claim that authorities kept the rates artificially low by releasing prisoners who are terminally ill. Additionally, monitors said that deaths of prisoners without families usually went uncounted. Most of the deaths during the year were attributed offi-

cially to medical causes, usually tuberculosis. In one case, a prisoner reportedly weighing just 66 pounds was released from a Rustavi prison; he died within 3 days. Officials determined the cause of illness and death to be tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. In recognition of this fact, the ICRC continued a joint program with the authorities begun in 1997 to reduce the incidence of the disease. However, torture and physical abuse of prisoners also played a role in such deaths in custody.

Government plans announced in 1995 to build new prison facilities remained unfulfilled.

In accordance with requirements stipulated by the Council of Europe, the Parliament passed a new law on prisons on July 22 that transferred responsibility for the prisons from the Ministry of Interior to the Ministry of Justice. The law was to take effect January 1, 2000. While many human rights observers were optimistic that the division of responsibilities will improve conditions, they also had serious concerns. Although the Ministry of Justice is to be responsible for overall administration of the prison system, an amendment permits the Ministry of Interior's personnel to continue to staff the facilities. Other legislation also permits the Ministry to conduct operative investigations among inmates to gather evidence for trials without judicial approval. Local and international human rights observers claimed that such investigations often employ torture.

The ICRC had full access to detention facilities, including those in Abkhazia, in accordance with its customary procedures, which include meetings with detainees without the presence of third-party observers and regular repetition of visits. The OSCE mission, whose mandate includes prison visits, reported bureaucratic delays but no serious problems in obtaining access to visit prisoners and detainees. However, local human rights groups reported that they still encountered obstacles in visiting detainees, especially in cases with political overtones. In April a local NGO signed an agreement with the Government granting access to pretrial detention facilities; however, by year's end it had not received such access.

The conflict in the neighboring Russian region of Chechnya affected the situation in Georgia. For example, in August Russian warplanes strayed across the border and dropped cluster bombs on the Georgian village of Zemo Omalo, wounding three persons.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently violated these provisions. The Constitution provides for a 9-month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and restrictions on the role of the prosecutor (see Section 1.e.). The Soviet Criminal Code was amended to implement these constitutional safeguards and was superseded in 1997 by the Criminal Procedures Code. These amendments were generally, although not always, observed, as prosecutors continued to maintain undue influence over criminal procedures. A new Criminal Code was enacted in June.

Judges issue warrants and detention orders, and suspects must be charged within 3 days. Pretrial investigatory detention is limited to 9 months in accordance with the Constitution, instead of 18 months as allowed by the old Soviet code. Judges may extend pretrial detention by 3-month intervals up to 9 months. Human rights NGO's stated that the amendments to the old Soviet code made the pretrial detention period less arbitrary. Despite the reduction of the limit from 18 to 9 months, there was a slight increase in the number of individuals in pretrial detention. As of October 15, there were 8,529 prisoners serving sentences, and 2,137 held in pretrial detention.

A new Criminal Procedures Code, along with other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police, was passed by Parliament in 1997, but implementation was delayed until May (see Section 1.e.). Following enactment of the new Criminal Code in June, the Criminal Procedures Code was amended substantially in July. A number of amendments sought to harmonize the Criminal Procedures Code with the new Criminal Code. However, many human rights monitors were concerned that several amendments adversely affected due process. Before these amendments were enacted, a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Procuracy during a criminal investigation and could request a forensic medical examination. Now a defendant can file a complaint of abusive investigation only with the Procuracy.

According to observers, including the OSCE and the Association of Former Political Prisoners for Human Rights, police continued frequently to treat individuals in their custody with brutality; however, correct legal procedures were observed more often. Police often failed to inform detainees of their rights and prevented access to family members and lawyers. Authorities often held prisoners who were tortured

and abused in pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.).

There were no cases of forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence. In the past the courts often were subject to pressure and corruption and did not always ensure due process. It is still unclear whether judicial reform altered the deference judicial authorities frequently showed the executive branch, particularly at lower levels of the court system. Investigators routinely plant or fabricate evidence and extort confessions in direct violation of the Constitution. Judges generally are reluctant to exclude evidence obtained illegally over the objection of the Procuracy. Local human rights observers also report widespread judicial incompetence and corruption, including the payment of bribes to investigators, prosecutors, and judges, which also leads to denial of justice. However, several trial attorneys and local NGO's in Tbilisi reported that some cases were being handled in a fairer and more expeditious manner than in 1998. However, progress outside of Tbilisi was not as marked. Caseloads increased and judges' salaries, despite a pay raise, remained inadequate. Pressure from extensive family and clan networks was extensive.

The 1997 Law on the Courts was designed to enhance judicial independence. Under this law, the country established a three tier court system. Implementation of the law was slow and was completed only during the year. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional courts of appeal, which serve as appellate courts for the district courts; they started functioning in May. The regional courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. It was envisioned that the Supreme Court, the highest level, which in the absence of regional courts tried major cases, eventually would act exclusively as a higher appellate court. However, the Supreme Court remains the court of first instance for capital crimes and appeals from the Central Election Commission.

The separate Constitutional Court was created in 1996. Its mandate includes arbitrating constitutional disputes between the branches of government and ruling on individual claims of human rights violations. The Court chose to interpret this latter function narrowly, agreeing to rule only on cases in which the complainant alleged that the violation was sanctioned by law. The Court only considers one case at a time. Since its inception in September 1996, 118 cases have been filed with the court. Of these cases, 82 were heard, and decisions were reached in approximately 50 percent of the cases, while the remaining 50 percent were dismissed. The Court's rulings demonstrated judicial independence.

Administration of the court system was transferred from the Ministry of Justice to the Council of Justice in 1997. The Council has 12 members, 4 selected from within each branch of government. The law established a three-part testing procedure for current and prospective judges to be administered by the Council. The testing procedure was designed to reduce judicial incompetence and corruption. The Constitutional Court ruled in November 1998 that sitting judges could not be removed, thereby hampering the Government's attempts at judicial reform. The Parliament responded with a law stating that judges' terms would not be renewed beyond 2001 if they did not take and pass the examination, thereby observing the decision of the Constitutional Court, yet forcing the judges to qualify themselves through examination.

The first judges' examination was administered in March 1998. A total of five examinations were administered as of year's end and some 250 judges passed. Only 13 judges passed the last examination in September. A total of 176 judges passed both the exam and the vetting process and replaced judges who had not.

Supreme Court justices also were required to take the examination, but resisted the requirement, arguing that it was an infringement on judicial independence and that, since they were confirmed by Parliament, they already are subject to public scrutiny and review. The Court's new Chief Justice, the former Minister of Justice, appointed 12 new justices, 10 of whom had passed the judicial exams.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his rights and must notify the detainee's family of his location as soon as possible. These rights mark a significant departure from legal practice of the Soviet era; however, they are not fully observed in practice. Defense attorneys often have difficulty obtaining permission from investigators to visit clients. Investigators seldom inform individuals of their rights. There were lengthy delays in trials. During the year, the Tbilisi City Council decided to initiate a project with a local NGO that would create a system by which lawyers would be placed in

Tbilisi police stations to advise detainees of their rights without charge. However, another organization brought suit to halt the implementation of the project. The suit was thrown out, and the project was being implemented by year's end, although intermittently due to lack of funding. However, participating lawyers complained that there was low public awareness of the program and that local police authorities were limiting their access to detainees. For example, one lawyer witnessed police beating a detainee; when she began to question the police, she was pushed out of the room. When representatives from NGO's and the Government arrived at the station, the police chief denied that any beating had occurred. While the district prosecutor promised to investigate the case, there had been no investigation by year's end. The Parliamentary Committee on Human Rights and National Minorities also created a card listing a citizen's rights in case of arrest. By year's end, it distributed 25,000 or 31,000 printed cards to students, NGO's, and visitors to the Committee.

The legislation required to implement constitutional protections was passed by Parliament in 1997. The implementing legislation included the Criminal Procedures Code and the Law on the Procuracy. These laws were designed to create a legal system with adversarial trials by reducing the powers of the Procuracy, increasing the rights of defense attorneys, and enhancing the independence and authority of the judiciary. However, the amendments to the Criminal Procedures Code adopted this summer weakened many of these provisions. Under Soviet law, prosecutors were vested with powers greater than those of judges and defense attorneys. Prosecutors continued to direct criminal investigations, supervise some judicial functions, and represent the State in trials. Trials were not conducted in an adversarial manner. Most criminal trials continued to follow the Soviet model and, in many cases, prosecutors continued to wield disproportionate influence over outcomes.

The Soviet system of state-employed criminal defense attorneys began to break down in 1998. Individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the Procurator's Office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured to accept a state-appointed attorney. The Procuracy not only had control over state-appointed lawyers, it also determined whether a defendant's request to change lawyers was granted.

International and local human rights groups agreed that there were political prisoners but disagree about the number, giving estimates ranging from 10 to 200. A number of these individuals—members of the Mkhedrioni, Gamsakhurdia supporters, and state security personnel—committed criminal acts and were tried and sentenced on criminal grounds, although they may have had political objectives. According to some local observers, there are some Gamsakhurdia supporters who never took up arms and should be considered political prisoners. Several, including Valter Shurgaia, Zviad Dzidziguri, and Zaur Kobalia, were still in prison at year's end. These individuals—political leaders of Gamsakhurdia's movement—were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons. They are serving sentences ranging from 7 to 12 years. President Shevardnadze pardoned about 10 political prisoners during the year, including former National Guard commander Tengiz Kitovani and Nicholas Kvezereli. The latter was convicted, along with Jaba Ioseliani, of the 1995 assassination attempt on the President. Two others who were imprisoned for attempting to assassinate Shevardnadze also were released. The 1998 trial of Ioseliani, the head of the Mkhedrioni, and 14 other alleged conspirators in the 1995 assassination attempt on President Shevardnadze was characterized by the same violations found in other recent trials with political overtones. The Government consistently violated due process both during the investigation and the trial. Torture, use of forced confessions, fabricated or planted evidence, denial of legal counsel, and expulsion of defendants from the courtroom took place. Ten of the defendants claimed to have been beaten or tortured and coerced to confess during the investigative stage of the case. According to local human rights groups, four of the defendants were tortured seriously, including former Security Service Captain Guram Papukashvili. Despite the claims of torture, the judge in the case allowed the confessions to be entered as evidence. The court-appointed physician who inspected the defendants claimed that too much time had passed to establish whether the defendants had been tortured. The alleged conspirators were held in pretrial detention for 27 months before the trial began, well in excess of even the Soviet legal limit. According to local human rights groups, the delay was meant to give their injuries time to heal, reportedly a common practice on the part of the law enforcement agencies (see Section 1.c.). There were increasing calls domestically for President Shevardnadze to issue a general amnesty for those

convicted for their actions, including acts involving violence, during the period of civil war and social chaos from 1991 to 1995.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution forbids the tapping of telephones and other forms of interference in an individual's private life without court approval or legal necessity. However, in practice law enforcement agencies and other government bodies, especially the Ministry of Communications, monitored private telephone conversations without obtaining court orders. The Government stated that state security police and state tax authorities sometimes entered homes and places of work without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Police regularly stopped and searched vehicles without probable cause to extort bribes (see Section 1.c.). The high level of unregulated police misconduct and corruption undermined public confidence in Government, especially the law enforcement agencies.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution and the 1991 press law provide for freedom of the press and new laws further support this freedom; however, although the independent press was increasingly active, the Government constrained some press freedoms. According to journalists, security and law enforcement authorities attempted to intimidate the press through public comments and private admonitions. The new Administrative Code enacted in June contains a freedom of information section that provides for public access to government meetings and documents. Journalists lacked effective legal protection, a circumstance that hindered investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused.

Some 200 independent newspapers are in circulation. The press increasingly served as a check on government, frequently criticizing the performance of high-level officials. Increasingly, independent newspapers have been replacing the government-controlled press as the population's source of information; the leading independent daily newspaper, "Alia," has a national circulation nearly 20 percent higher than the government-controlled daily. However, observers report that this seems to be mostly a Tbilisi-based phenomenon and that independent newspapers continue to struggle in the regions. Several newspapers are serious and reputable sources of information. High printing costs and general poverty, especially in the countryside, limited the circulation of most newspapers to a few hundred or a few thousand. The Government finances and controls one newspaper (which also appears in Russian-, Azeri- and Armenian-language versions) and a radio and television network with a national audience; they reflect official viewpoints.

Most persons continued to get their news from television. The Government's monopoly on broadcast news was broken when Rustavi-2, a member of the independent television network TNG, emerged in 1998 as an important alternative to state television after successfully resisting 2 years of government attempts to shut it down. In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO that works with the press estimated that there were up to 30 regional television stations. While these stations were ostensibly independent, the lack of advertising often forced them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, had a relatively independent press. Rustavi-2 had a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. Independent newspapers and television stations continued to be harassed by state tax authorities. Stations continued to practice self-censorship, especially in regions where local government is strong.

The trial of two journalists from the independent newspaper Orioni who reported in April 1998 allegations of homosexuality and sexual harassment in the armed forces was postponed indefinitely in 1998. At that time, government and military officials reportedly responded by threatening the reporters with arrest, demanding the names of sources, and filing a civil lawsuit that charged defamation. One of the two journalists, Amiran Meskheli, was detained for allegedly having evaded military service. He subsequently was conscripted and assigned to the unit on which he had reported. Human rights monitors considered this action a transparent attempt at intimidation and filed a lawsuit to overturn his conscription. Meskheli remained out on bail at year's end.

In May 1998, the independent newspaper Kavkasioni published allegations of graft and misconduct by the Abkhaz government-in-exile, a quasi-official body that claims to be the genuine government of Abkhazia and to speak for refugees from Abkhazia. In July 1998, two members of the Abkhaz government-in-exile filed a defamation suit against Kavkasioni. The newspaper's appeal against an adverse 1998 decision by the court had not been heard by year's end.

Academic freedom is respected widely.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly without prior permission from the authorities; however, both the national Government and local governments restricted the right in practice. A 1997 law on freedom of assembly requires political parties and other organizations to give prior notice and obtain permission from local authorities if they intend to assemble on a public thoroughfare. Members of the local NGO community believe that the law violates the Constitution and sought to have it overturned by the Constitutional Court. However the Court refused to hear the case, explaining that a test case must be brought before it in order for it to consider the challenge, e.g., an individual must prove that he has been harmed by this law. Most permits for assembly are granted without arbitrary restriction or discrimination, although this is not the case for Zviadists, supporters of former President Gamsakhurdia. Extreme Zviadists never have accepted any successor to the Gamsakhurdia Government as legitimate and frequently held demonstrations demanding that the present Government resign. The Government viewed the frequent public rallies of the Zviadists as a threat because of the publicity they generated for themselves and against the Government. The police broke up one of their rallies held in May. A hunger strike involving several hundred people and conducted in the shell of Gamsakhurdia's burnt-out villa in Tbilisi since mid-June was not disturbed and continued at year's end.

Leila Tsomaia and Tamila Nikoldaze, Zviadists who were arrested, tried, convicted, and incarcerated on charges of civil disorder for attempting to stage a rally in front of Tbilisi University in 1997, were pardoned and released from prison in March.

Over the course of the year, the police broke up rallies or gatherings held by various evangelical Protestants or watched while others disrupted the rallies. Local authorities several times denied permission to Jehovah's Witnesses to conduct open-air rallies (see Section 2.c.).

The Constitution provides for freedom of association, and the Government respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion and the Government generally respected this right in practice. However, local police and security officials harassed foreign missionaries and, in some localities, several evangelical Christian organizations.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history without further defining it, but also stipulates the independence of the Church from the State. The Georgian Orthodox Church has lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from "nontraditional" religions. Various draft laws, some modeled on the Russian law on religion, have been rejected by Parliament.

Certain members of the Georgian Orthodox Church and the public see Protestant evangelical groups as a threat to the Church and Georgian cultural values, a perception that some politicians played upon during the election campaign. Local police and security officials at times harassed foreign missionaries and non-Georgian Orthodox congregations or did not intervene when others harassed them. For example, on May 29, the police violently broke up a public prayer meeting of the Assembly of God in the Gldani district of Tbilisi, beating a number of members, pushing a 60-year-old woman to the ground and screaming threats of murder. Prior to the subsequent civil trial, Ministry of Interior officials repeatedly harassed the pastor and his adherents. At the trial on August 16, the judge ruled that the police had not violated the individuals' constitutional rights. The group filed an appeal and incurred further harassment from law enforcement authorities. On August 29, a riot allegedly instigated by the police broke out at one of the organization's churches. Some members were beaten and the police confiscated some members' documents, forcing the victims to retrieve them at the police station.

According to press reports, public services by four evangelical Protestant congregations in Tbilisi were brought to a halt in August as a result of hostility from the police and radical Orthodox activists. The churches have not been able to resume public services, because the police confiscated the documentation they needed to rent appropriate premises, although they continue to hold small-scale services in private apartments. The police raided three Tbilisi meeting places in late August, halting services then in progress at two of them. Only two Protestant churches, the Baptist Church, and the World of Life, continue to hold services in Tbilisi.

Local police chiefs in Gori and Kaspi tried to prevent Jehovah's Witnesses from conducting open air meetings in Gori and Kaspi in May and June. However, the

meetings took place, in one case because a large crowd already had gathered, and in the other because of the intervention by a central government official.

Customs and security officials impounded six tons of religious materials being imported by Jehovah's Witnesses on April 23. The materials, some damaged, were not released until early July and then only after the intervention of the National Security Council official responsible for human rights. Representatives of Jehovah's Witnesses traveled to where the materials were impounded with a letter authorizing their release in hand. However, local officials and a gathering of demonstrators, including a Georgian Orthodox priest, prevented the release. The representatives returned to Tbilisi. The central Government retrieved the materials and brought them to Tbilisi. On October 17, a Jehovah's Witnesses worship service in the Gldani section of Tbilisi with 120 parishioners was attacked violently by members of a religious sect. The Gldani police refused to intervene. Sixteen persons were injured in the attack. On December 25, the case was forwarded to the Gldani prosecutor's office for criminal charges.

A nationalist Member of Parliament brought a civil suit in late April to ban Jehovah's Witnesses, arguing that the organization is anti-Orthodox, antistate, and antinational. Appeals by the Jehovah's Witnesses to an appellate court and then to the Supreme Court contending that the suit is groundless were refused. The Supreme Court stated that the lower court first must hear the case. On November 29, the lower court judge remanded the issue to an academic study group to study the literature of Jehovah's Witnesses. An opinion from the group was expected in early 2000.

Two textbooks were refused licenses due to the disapproval of the Georgian Orthodox Church. By law all school textbooks must be approved by the Ministry of Education, in consultation with various ministries and the office of the Patriarch. In one case, the office of the Patriarch vetoed the textbook, and the Ministry of Education therefore refused to grant the license. In the other, the Ministry of Education granted the license, but a committee of concerned Orthodox parents, which the office of the Patriarch publicly acknowledged was its creation, successfully sued the Ministry of Education to rescind the license.

The Catholic Church and the Armenian Apostolic Church have been unable to secure the return of churches closed during the Soviet period, many of which later were given to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remained closed. The Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches, reportedly in part as a result of pressure from the Georgian Orthodox Church. However, a new Catholic church opened during the year. The tax code grants tax exemptions only for the Orthodox Church and not for any other religion.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution, the 1993 Law on Migration, and other legislation generally provide for these rights and, with some exceptions, the Government generally respected them in practice. Registration of an individual's place of residence no longer was required, nor were internal passports. Old Soviet passports bearing "propiskas" (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identification cards are expensive and difficult for many members of the electorate to obtain, especially in poorer and more remote rural areas.

In principle the Government respected the right of repatriation; however, approximately 275,000 Akhiskha or Meskhetians (primarily Muslims) who were expelled from southern Georgia to Central Asia by Stalin in the 1940's still faced both official and public opposition to their return, as many were concerned that the Meskhetians' return to the Samtske-Javakheti region would upset the ethnic balance in this mostly ethnic-Armenian populated region. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up.

In 1996 President Shevardnadze issued a decree authorizing the return of 1,000 Meskhetians per year for 5 years. The decree has never been implemented, and to date only a few hundred Meskhetians have returned in recent years, none as a result of the decree; all came as illegal immigrants. The Government has provided housing for most of them, but because they were to be the subject of a separate law, not yet passed, they were deprived early in 1998 of their refugee status and, consequently, of their housing subsidy. Many now live without any regularized status.

In December 1997, Parliament passed a law entitled, "Recognizing Georgian Citizens as Political Victims and Social Protection of the Repressed." This law, intended to rehabilitate victims of the Soviet era, specifically excluded the Meskhetians, whom it identified as the subject of a separate law, not yet drafted. Observers believed that the Parliament would adopt such a law in 1999; however, they failed to do so.

On March 14, a presidential decree was issued to address the Meskhetian issue. It established a State Commission on the Repatriation and Rehabilitation of the Population Deported from Southern Georgia. In connection with its accession to the Council of Europe on April 27, the Government undertook to begin the process of Meskhetian repatriation within 3 years. In July the Government announced that it had granted citizenship to 36 Meskhetians.

The 1994 quadripartite agreement between Russia, Georgia, Abkhazia, and the U.N. High Commissioner for Refugees (UNHCR) on repatriation in Abkhazia called for the free, safe, and dignified return of displaced persons (IDP's) and refugees to their homes. The Abkhaz separatist regime prevented virtually any official repatriation and unilaterally abrogated the agreement in late 1994. From 1994 to May 1998, an estimated 53,000 of the 283,000 IDP's and refugees from Abkhazia returned spontaneously, most to the southern part of the Gali district. In May 1998, the unstable security situation in Gali deteriorated into open warfare between the Abkhaz militia and Georgian partisans and MOI troops. The partisans were routed and, in the aftermath, almost all of the Georgian returnees fled once again as their homes were burned and looted by the Abkhaz.

In January the Abkhaz separatists unilaterally invited IDP's to return to Gali starting March 1, but did so in the absence of measures acceptable to the Georgian Government for ensuring their safe return and security. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to Gali to tend their property. An estimated 17,000 IDP's returned to Gali after their expulsion in May 1998.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDP's and refugees. Ethnic Georgians from South Ossetia fled to Georgia proper and Ossetians from South Ossetia and other Georgian regions largely fled to Russia. In 1997 UNHCR began a program to return IDP's and refugees to their homes. Both sides created obstacles that slowed the return. There were about 24,000 Ossetian refugees living in North Ossetia. To date about 370 Ossetian families from Russia have returned, the majority to South Ossetia. The South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although approximately 170 families returned. For political reasons, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other Georgian regions. In 1997 the Government publicly recognized the right of Ossetian refugees to return to their homes in Georgia but took little action to facilitate their return. Persistent opposition by Georgian authorities, especially at the local level, over the return of illegally occupied homes has prevented the organized return of Ossetian refugees to Georgia proper. In the reporting period, approximately 53 Ossetian refugee and IDP families returned to South Ossetia proper.

Following the outbreak of hostilities in Chechnya in September, the country accepted 5,161 registered refugees from that region as of year's end. Most were women and children.

The Government acceded to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, there is no effective law concerning the settlement of refugees or the granting of political asylum, including first asylum. Parliament passed an asylum law in March 1998, but it is not fully consistent with international standards as set out in the U.N. Convention.

According to the UNHCR, only two asylum cases were processed by the Government during the year, none in 1998 and one in 1997.

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 and the 1995 parliamentary and presidential election laws provide citizens with the right peacefully to change their government, and citizens exercised this right in elections in 1992, 1995, and in the fall. A democratically elected president and parliament govern most of the country.

Parliamentary elections were held on October 31. Thirteen electoral blocs and 34 political parties fielded candidates for 150 proportional and 75 majoritarian seats. The Citizens' Union of Georgia (CUG), chaired by President Shevardnadze, won an outright majority. International observers judged the elections throughout the country to be generally fair; however, a number of irregularities were noted, including restrictions on freedom of movement, which on occasion prevented political parties and observers from exercising their rights. A second round was held on November 14, which OSCE observers described as well conducted in some districts but marred with irregularities in others. The OSCE cited in particular intimidation of members

of precinct election commissions and instances of ballot stuffing in Tbilisi, Abasha, and Chkhorotsku. In the Autonomous Republic of Ajara, dominated by Ajaran Supreme Chairman Aslan Abashidze, fraud was widespread. There was no voting in these elections in the separatist regions of Abkhazia and South Ossetia, which remain outside government control. Ten members of parliament from Abkhazia elected in 1992 had their terms extended.

The local governments elected in November 1998 were expected to have more authority over how local government is run, but inadequate funding, corruption, and the absence of legislative guidelines made it difficult for them to exercise authority. The opposition criticized the Government and the ruling CUG for retaining the power to appoint the mayors of the largest cities and regional chairmen, who were not always from the area they serve.

The division of power between the central and local governments remained a key issue in the country's transition to democracy. The degree of actual autonomy to be exercised by the "Autonomous Ajaran Republic" was at the center of this debate during the year. Ajara's postindependence relationship to the rest of the country still was undefined and, in matters such as elections, Ajara's authorities claimed that regional laws took precedence over national laws. The Revival Party, the dominant political party in Ajara led by Aslan Abashidze, the President of the Autonomous Ajaran Republic, boycotted the national Parliament for much of the year in a dispute with the CUG over the degree of autonomy in Ajara. It took part in the October 31 parliamentary elections as the major opponent to Shevardnadze's CUG. The Government was reluctant to challenge interference in the local electoral process by the Ajaran authorities because it sought to avoid encouraging threats of separatism in this ethnically Georgian, but historically Muslim, region.

The Ajaran government, along with much of the opposition, alleged that widespread fraud occurred in the 1995 presidential and parliamentary elections. Serious violations were noted in Ajara in these elections as well. Ajara did not allow international or domestic observation of its local elections held in 1996. It criticized as undemocratic the Government's refusal to allow directly elected local officials and announced that local officials in Ajara would be elected directly. In the November 1998 local elections, the mayor of Batumi was elected by a direct vote, in contrast to the other major cities of Georgia. In the October parliamentary elections, international and domestic observers reported various forms of intimidation and abuses in Ajara, as well as outright fraud.

Women are underrepresented in government and politics; however, women's NGO's took an active role in the parliamentary election season, engaging candidates in discussions about issues of concern to their memberships. In the 235-seat Parliament, women were represented poorly both in the 1995 and October 31 cycles, with only 17 and 16 women being elected respectively. Under the current administration elected in 1995, only two women held ministerial posts. Representation of national minorities decreased in the new Parliament from 16 members to 13 members; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Women constituted over half the members of political parties in the October elections. Armenians in 1995 constituted 11 percent of the population as a whole, with some concentration in Samtskhe-Javakheti, while Azeris made up 3.8 percent of the population, with concentration in the Marneuli district.

"Presidential elections" were held in Abkhazia on October 3. International organizations, including the U.N. and the OSCE declared them illegal. Georgian authorities criticized them as having no legal basis, as they had the Abkhaz local elections of March 1998, on the basis that a majority of the population has been expelled from the region.

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

The Government generally respected the right of local and international organizations to monitor human rights but continued to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There were a number of increasingly credible local organizations that monitor human rights. Those local human rights groups that are extensions of partisan political groups have little credibility or influence. Local human rights NGO's report that the Government was more responsive over the year. They continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The National Security Council's Human Rights Adviser facilitated the positive resolution of some human rights matters, including those of Jehovah's Witnesses.

The constitutionally mandated Office of Public Human Rights Defender, or ombudsman, was created in 1995. The first ombudsman, a former head of the State

Revenue Service and a former MOI official, was appointed to the position in November 1997. He disappointed both local and international human rights groups. He resigned in August to run in the parliamentary elections for an opposition party. While in office he chose to focus the office's attention on social and economic issues, especially the status of the country's refugees, rather than on defending political and civil rights, according to local human rights groups. Local human rights groups claimed that the ombudsman's agenda was dictated to him by the executive branch. They charge that the ombudsman has legal standing with the Constitutional Court and could have brought individual violations of human rights to the court for consideration. However, he did not choose to do so, and the NGO community now is seeking this status for itself in order to gain access to detention centers, which they currently are being denied. NGO's can, and did, bring suits to courts of the first instance on behalf of persons whose rights have been abused. As of year's end, no new ombudsman had been appointed.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia to investigate security incidents and human rights abuses. The office, which has operated sporadically because of fluctuating security conditions, provides periodic findings, reports, and recommendations. Its influence appears to be marginal.

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

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence. The Government generally respected these rights. The Constitution provides for Georgian as the state language. As a practical matter, the approximately 400,000 Armenians and 300,000 Azeris prefer to communicate in their own languages or in Russian, while the Abkhaz, Ossetian, and Russian communities prefer to use Russian. None are impeded from doing so. Both Georgian and Russian are used for interethnic communication.

Women.—According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs with some frequency and, as it is a social taboo to go to the police or otherwise to raise the problem outside the family, it is reported or punished only rarely. Spousal abuse is reportedly one of the leading causes for divorce. Police did not always investigate reports of rape. A local NGO, with the help of an international NGO, opened a shelter for abused women in the spring of 1998. The Government established a hot line for abused women, but provided no other services. There are no laws that specifically criminalize spousal abuse or violence against women. Sexual harassment was reportedly a problem in the workplace and was not investigated.

Kidnappings of women for the purpose of marriage sometimes occurred in rural areas, although the practice was declining. If an eager or spurned suitor holds his intended fiance as a hostage for more than 24 hours, her family considers her to be no longer suitable for marriage except to her kidnaper. If she consents to marriage, the incident is considered part of a traditional courtship ritual; if not, future marriage may become problematic. In such cases, the woman occasionally is raped.

The Civil Code gives women and men equal inheritance rights.A number of women's NGO's, including the women's group of the Georgian Young Lawyer's Association and Women for Democracy, promote women's rights. NGO's supported last year's poll of women conducted by Women for Democracy, which found a gap between the perceptions of older and younger women. Older women tended to view their place in traditional society as an honored one, but younger women were less sanguine. They reported that although there were no real barriers to a professional life or to a good education, discrimination and harassment in the workplace were problems. Younger women also reported that the economic balance had shifted in their favor, as many traditionally male jobs disappeared due to the depressed economy. Women's access to the labor market was improving but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. A study released in 1999 reported that women were paid 78 percent of men's wages in the public sector and 67 percent of men's wages in the private sector. Reportedly, men were given preference in promotions. While some efforts have been made within specific programs, the Government had no active efforts focused on women's issues.

Children.—Government services for children were extremely limited. The 1995 Health Reform Act withdrew free health care for children over the age of 3 years. While education is officially free, many parents were unable to afford books and school supplies, and most parents have to pay for their children's education.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. The private voluntary organization, Child and Environment, noted a significant rise in homeless children following the collapse of the Soviet Union. It estimated that there were currently more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The organization opened a shelter in 1997. The Ministry of Education opened a second shelter in July 1998. However, even together, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, even in areas of acute need such as Kutaisi, Zugdidi, and Batumi, no such facilities or services existed. The children increasingly survive by turning to criminal activity, narcotics, and prostitution. Despite a cultural tradition of protecting children, the Government took little official action to assist street children due to a lack of resources.

The lack of resources negatively affected orphanages as well. In all orphanages, children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The adult staff was paid poorly and had many months of unpaid wages. The staff often diverted money and supplies provided to the orphanages for its own use.

People with Disabilities.—There is no legislated or otherwise mandated provision requiring accessibility for the disabled. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans.

Many of the state facilities for the disabled that operated in the Soviet period were closed because of lack of government funding. Most disabled persons are supported by family members or by international humanitarian donations.

Religious Minorities.—The Georgian Orthodox Church argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign missionaries continued to report some incidents of harassment in rural areas and small towns on the part of Orthodox priests and their supporters, local police, and security officials (see Section 2.c.).

There was no pattern of anti-Semitism. Jewish leaders attributed isolated acts of anti-Semitism, including the publication of anti-Semitic newspaper articles and the destruction of Jewish communal property, to general instability and disorder. Sixty gravestones at the Jewish cemetery in Tbilisi were destroyed in December, 1998. No suspects were identified. The case was suspended for lack of evidence.

The Jewish community experienced delays in the return of property confiscated during Soviet rule. A court ordered a former synagogue, rented from the Government by a theater group, to be returned to the Jewish community in 1997. The theater group refused to comply and started a publicity campaign with anti-Semitic overtones to justify its continued occupation of the building. In December 1997, President Shevardnadze promised Jewish leaders that the synagogue would be returned before the celebration of 2600 years of Jewish settlement in Georgia, September 9, 1998. However, the President's order was not enforced and the building remained in the hands of the theater group. According to an NGO report, the district court ruled again on February 25 that the synagogue building must be returned to the Jewish community and ordered the city to find other premises and provide compensation for the theater company. However, the case was appealed and as of the end of the year had not been heard. The building was not returned by year's end.

On October 17, a Jehovah's Witnesses worship service in the Gldani section of Tbilisi with 120 parishioners was attacked violently by members of a religious sect. The Gldani police refused to intervene. Sixteen persons were injured in the attack. On December 25, the case was forwarded to the Gldani prosecutor's office for criminal charges.

National/Racial/Ethnic Minorities.—The Government generally respected the rights of members of ethnic minorities in nonconflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). The Government reportedly provided less funding for schools in these areas than in other parts of the country. Instruction in non-Georgian languages was permitted.

Lack of knowledge of Georgian limited educational and professional opportunities for minorities.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution and the 1997 Law on Trade Unions provide for the right of citizens to form and join trade unions. The Law on Collective Agreements was passed in 1997.

The principal trade union is the Amalgamated Trade Unions of Georgia (ATUG). The ATUG is the successor to the official union that existed during the Soviet pe-

riod. The union broke from the central Soviet labor union in 1989. Its present structure was established in 1992, after the union had resisted efforts first by the Gamsakhurdia government and later by the State Council to bring the union under government control. The ATUG consists of 33 sectoral unions. Representatives to the ATUG congress elected its leadership indirectly for a period of 5 years in 1995.

The organization officially claims 850,000 members but acknowledges that the number of active, dues-paying members is considerably lower. The union has no affiliation with the Government and receives no government funding. During the year, the union saw its primary role as defending the economic and social interests of workers, a departure from its Soviet predecessor, which was essentially an administrative body concerned with property and finance rather than with worker rights. The ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers. In each case, the issue was unpaid wages. On December 23, the ATUG led a demonstration in front of the State Chancellery, demanding that back wages and pensions be paid. The State Minister met with leaders and promised to meet with unions again in January to resolve the problem.

On January 31, President Shevardnadze signed a decree ordering all governmental agencies to consult and negotiate with unions. By year's end no ministry had honored this decree.

However, over the past two years, the ATUG has been engaged in a battle to reacquire union property first from the Government and then from the courts. In 1991–92, the then-acting president of the trade union, Joseph Katsitadze, transferred two trade union properties to the Government, which transferred them to the Ministry of Defense. On July 15, 1998, the Constitutional Court ruled that the ATUG was the legal owner of the properties and should get them back. However by year's end, the ATUG still had not regained possession of either property.

On March 10, the Mtatsminda district court transferred ownership of all ATUG property to the newly formed Free Trade Union of Georgia. Katsitadze, the former acting president of the ATUG in 1991–92, organized and headed this union. The court upheld his claim that the ATUG was an illegitimate successor of the Soviet-era Confederation of Independent Trade Unions of Georgia. The ATUG appealed the decision. On November 30, the Supreme Court threw out the decision of the Mtatsminda court on procedural grounds. The case was remanded to the regional court to be retried.

In 1998 the ATUG brought suit against the Interior Ministry for illegally firing 220 employees in the MOI's visa office. The suit was to be decided on a case-by-case basis. As of year's end the Supreme Court ruled that one female employee was to be reinstated, but the MOI refused to do so.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG worked closely with the International Confederation of Free Trade Unions.

b. *The Right To Organize and Bargain Collectively.*—The Constitution and the Law on Trade Unions allow workers to organize and bargain collectively, and this right is respected. The law prohibits discrimination by employers against union members. Employers may be prosecuted for antiunion discrimination and be made to reinstate employees and pay back wages. The Ministry of Labor investigated complaints but was not staffed to conduct effective investigations.

In the spring and fall, the Free Trade Union of Teachers of Georgia conducted a number of successful actions for the payment of back wages in Kutaisi.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor and provides for sanctions against violators, and there were no reports of its use except for trafficking in women for the purpose of prostitution (see Section 6.f.). The Government prohibits forced or bonded labor by children and there were no reports of its use.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Labor enforced these laws, and generally they were respected. The Government prohibits forced and bonded labor by children and enforced this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The state minimum wage was raised in the fall to $10.80 (20 lari) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. In general, salaries and pensions were insufficient to meet basic minimum needs for a worker and family.

The law provides for a 41-hour workweek and for a weekly 24-hour rest period. The government workweek often was shortened during the winter due to the con-

tinuing energy crisis. The Labor Code permits higher wages for hazardous work and permits a worker in such fields to refuse duties that could endanger life without risking loss of employment.

f. *Trafficking in Persons.*—There are no laws concerning trafficking in women.

Information on trafficking is difficult to obtain. Georgia is both a source and a transit country for trafficking in women. Often Russian women come to Georgia, get a Georgian passport and then are sent primarily to Greece or Turkey.

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the first chamber of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states enjoy significant autonomy, especially as concerns law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, especially narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights, although there were instances of police abuse.

A well-developed industrial economy provides citizens with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. However, instances of police abuse continued, especially involving foreigners. Societal violence and harassment directed at foreign residents continued. However, crimes against foreign residents continued to decline, decreasing by 25 percent in the first 10 months of the year, compared with the same period of 1998. Anti-Semitic incidents also continued to decline, by 27 percent during the first 9 months of the year, compared to the same period in 1998. The Government is taking serious steps to address the problem of violence against women and children. Women continue to face some wage discrimination in the private sector, as do members of minorities and foreigners. Trafficking in women and girls is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government officials.

An investigation is ongoing in the case of Aamir Ageeb, a Sudanese asylum seeker, who died on May 28 during a deportation flight while in the custody of Federal Border Police. The Border Police apparently handcuffed the man, put a helmet on his head, and forced his head downward during takeoff because he was resisting deportation violently. After Ageeb stopped struggling, officers pulled him upright, removed the helmet, and noticed that he was not breathing; doctors on board were unable to revive him.

In September authorities in Austria located two members of the Red Army Faction, Horst Ludwig Meyer and Andrea Klump, who were wanted for the 1986 murder of Siemens manager Karl Heinz Beckurts, the 1989 attack on Deutsche Bank President Alfred Herrhausen, and other terrorist acts. On September 15, Austrian authorities detained Klump and shot and killed Meyer during the arrest attempt. Klump is likely to be extradited to Germany.

On September 1, Michael Steinau and Bernhard Falk, members of a leftwing terrorist organization, the Anti-Imperialist Cell (AIZ), were convicted on four charges of attempted murder and sentenced in connection with a series of 1995 bombing attacks against the homes of German politicians and the Peruvian Honorary Consulate in Duesseldorf. Falk was sentenced to 13 years and Steinau to 9 years. The two men also are suspected in the 1994 attacks against the Christian Democratic Union and Free Democratic Party offices.

The trial of Yasser Mohammed Shraydi, Ali Chanaa (alias Alba), his former wife, Verena Helga Chanaa (a German national), and his wife's sister, Andrea Haeusler (also a German), in the case of the April 1986 bombing of the Berlin discotheque La Belle, which began in 1997, is not expected to reach a verdict for at least 2 years.

The attack killed 1 Turkish citizen and 2 U.S. citizens and injured 230 persons. The trial continued at year's end.

German courts continued to try individuals involved in the shooting deaths of East Germans who attempted to flee to West Germany before the fall of the Berlin Wall. In December the Federal Court of Justice rejected former East German Politburo member Egon Krenz's appeal; he was sentenced to 6½ years in prison for his role in East Germany's shoot-to-kill policy at the East-West German border. Krenz appealed to the Federal Constitutional Court, where the case remained at year's end. His appeal before the European Court for Human Rights also is still pending. Also convicted with Krenz and sentenced to three years in prison were Gunter Schabowski and Gunter Kleiber. Schabowski is serving his sentence while Kleiber was granted a suspension of his incarceration due to ill health.

Alfons Gotzfried, an ethnic German who immigrated to Germany from Kazahkstan in 1991, was accused of being an accessory in the murder of 70,000 persons, mostly Jews, at the Majdanek Concentration Camp during World War II. Gotzfried admitted after the war that he took part in the mass shooting of 500 Jews at the camp. Although he was convicted for National Socialist crimes and was sentenced to 25 years of hard labor in the Soviet Union, he faced trial and possible reimprisonment in Germany since he was not convicted in a German court and since there was no treaty between the Federal Republic of Germany and the former Soviet Union covering such crimes. In May Gotzfried was tried, convicted, and sentenced to 10 years' imprisonment by a court in Stuttgart. However, he was not required to serve his prison sentence because of his advanced age (he is in his late 80's) and because he served time in a Soviet gulag for the same crime.

German courts have tried several alleged war criminals to ease the caseload of the International Criminal Tribunal for the Former Yugoslavia in The Hague, including a Duesseldorf court's sentencing of Maksim Sokolovic in November, and a Bavarian state court's sentencing of Djurdadj Kusljic in December for crimes committed in Bosnia in 1992 (see Section 4).

In February an Algerian asylum seeker died after he reportedly was attacked and chased by skinheads in Guben (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 prohibits such practices, and the authorities generally respect these prohibitions; however, there continue to be instances of excessive use of force by the police, especially against foreigners. Amnesty International published a report in July that found that police treatment of foreigners in custody showed "a clear pattern of abuse." The Council of Europe issued a report in May on mistreatment of foreigners at the Frankfurt am Main airport, following allegations of authorities' excessive use of force during enforcement of removal orders. Based on medical reports, the report confirmed that in February 1998 an Iranian suffered injury during removal, although the Government could not verify that the injury was a result of his treatment by border police. The alien reported that border police officers punched and kicked him and squeezed his genitals while he was handcuffed.

He reported that after he was placed on an airplane and attempted to escape, border guards beat him again. A complaint was filed against the officers involved, and in September the case was dropped since the charges could not be substantiated. The Iranian was deported in December 1998 after an appeal was upheld. The report cites two other cases of alleged abuse at the airport. In July 1997 border guards allegedly beat a Turkish citizen while handcuffed, and in June 1997 border guards allegedly beat a Turkish citizen while in handcuffs and shackles prior to his deportation. During 1997 and the first half of 1998 eight investigations were launched against border guards at the airport for alleged physical abuse of foreigners while performing their official duties.

The Government prosecutes police who mistreat persons in custody. For example, in May 1998, a Frankfurt (Oder) Brandenburg court sentenced 3 police officers from Bernau for physically mistreating Vietnamese detainees in 11 cases between the summer of 1993 and the summer of 1994. In addition, the three police officers were suspended from duty in 1994 after initial charges were filed and subsequently were banned from any future work as police officers. A fourth officer had to pay a fine of $3,330 (DM 5,400) for failing to stop the mistreatment of the detainees. The Attorney General's office appealed the sentence for being insufficient. The case was pending at year's end.

A bomb exploded on March 9 at the Saarbruecken Community College where there was a controversial exhibit documenting military atrocities during World War II; it caused no injuries but damage was estimated at over $1 million (DM 1.89 million) (see Section 5).

Some protests by Kurds in February after the detention of Abdullah Ocalan turned violent, resulting in police injuries (see Section 2.b.).

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

d. *Arbitrary Arrest, Detention, or Exile.*—The Basic Law prohibits arbitrary arrest and detention, and the Government observes this prohibition. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the police have strong reason to believe that the person intends to commit a crime. Any person detained by police must be brought before a judge and charged by the day after the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release. Police often detain known or suspected right and leftwing radicals for brief periods when the police believe such individuals intend to participate in illegal or unauthorized demonstrations. For example, in August police detained about 25 persons suspected of heading for illegal rallies to mark the 11th anniversary of the death of Rudolf Hess (see Section 5). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension.

If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. The right of free access to legal counsel has been restricted only in the cases of terrorists suspected of having used contacts with lawyers to continue terrorist activity while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country.

The Basic Law prohibits exile, and the Government does not use forced exile.

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

The court system is highly developed and provides full legal protection and numerous possibilities for judicial review. Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition, there are four types of specialized courts: Administrative, labor, social, and fiscal. These courts also exist on different levels, with the possibility for appeal to the next higher level.

Separate from these five branches of jurisdiction is the Federal Constitutional Court, which is not only the country's supreme court but an organ of the Constitution with special functions defined in the Basic Law. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between constitutional organs on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provides citizens with a fair and efficient judicial process, although court proceedings are sometimes delayed due to ever increasing caseloads.

There were no reports of political prisoners.

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

In September a teacher in Lower Saxony was barred from wearing a headscarf in the classroom. In July 1998, the authorities supported the decision of the Stuttgart school district not to hire a Muslim woman for a teaching position in a public school because she wore a traditional headscarf. The case was pending at year's end (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Basic Law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. Propaganda of Nazi and other proscribed organizations, as well as statements endorsing nazism, are illegal.

The authorities seek to block what they consider dangerous material on the Internet. The Teleservices Law of 1997 bans access to prohibited material (for example, child pornography and Nazi propaganda). The law's implications regarding the possible liability of Internet service are not yet clear. In May 1998, a Munich court sentenced the former head of Compuserve's German operations to 2 years' probation and fined him $60,000 (DM 100,000) for distributing pornographic materials on the

Internet. In November a Munich appeals court overturned the conviction. The court found that the accused was not in a position to shut down incriminated newsgroups permanently and therefore could not be charged with complicity in the distribution of illegal materials. However, the law still holds managers liable if they do not take sufficient action against prohibited Internet content.

In June French politician Jean-Marie Le Pen was found guilty of inciting hatred—a criminal offense—at a public appearance in Munich in 1997 for referring to the gas chambers as a detail in history. Le Pen was fined several thousand marks. He did not appeal. In September a French appeals court confirmed the Munich verdict. In November Frederick Toben, a German-born Australian Holocaust revisionist, was sentenced to 10 months in prison (7 months already served were applied to that sentence) for denying the Holocaust or that Nazis killed millions of Jews. He was released from a Mannheim prison after posting a bond. Toben is the director of the Adelaide Institute, which questions the reality and scope of the Holocaust.

b. *Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government respects this right in practice. Permits must be obtained for open-air public rallies and marches. Authorities can, and occasionally do, deny such permits due to concern for public safety or to prevent outlawed organizations from holding public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

After the detention of Abdullah Ocalan, Kurdish sympathizers staged massive and at times violent protests in at least 10 cities on February 16. Authorities reported clashes with protesters in Duesseldorf, Leipzig, Cologne, Frankfurt, Stuttgart, and Hamburg, resulting in police injuries. Protesters stormed and occupied many diplomatic buildings, and police officers made numerous arrests. Israeli security personnel shot and killed four Kurds who were storming the Israeli Consulate General in Berlin (see Section 5).

The law provides for freedom of association, and the Government respects this right in practice. The Basic Law permits the banning of organizations whose activities are found to be illegal or opposed to the liberal democratic order as established by the Basic Law. A party that has participated in an election can be outlawed only by the Federal Constitutional Court. Other organizations may be banned by the federal or state governments; legal recourse against such decisions is possible. A 1950's ruling by the Federal Constitutional Court outlawed a neo-Nazi and a Communist party. A number of other organizations that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal, are banned. State governments may outlaw only organizations that are active solely within their state, with activities crossing state boundaries coming under federal jurisdiction. Although authorities banned a number of organizations in 1998, no further organizations were banned during the year. In addition, several hundred organizations were under observation by the federal and state Offices for the Protection of the Constitution (OPC). The OPC's are charged with examining possible threats to the democratic system; they have no law enforcement powers, and OPC monitoring by law may not interfere with the organizations' continued activities.

c. *Freedom of Religion.*—The Basic Law (Constitution) provides for religious freedom, and the Government respects this right in practice. Most religious organizations are treated as nonprofit associations and therefore enjoy tax-exempt status. In order to grant this status, state-level authorities must find that the organization operates on a nonprofit basis and contributes socially, spiritually, or materially to society.

Church and state are separate, although historically a special partnership exists between the State and those religious communities that have the status of a "corporation under public law." If they fulfill certain requirements, including an assurance of permanency, minimum size of the organization, and an indispensable loyalty to the State, organizations may request that they be granted "public law corporation" status, which, among other things, entitles them to levy taxes on their members that are collected by the State for the church. All public law corporations do not avail themselves of this privilege. The decision to grant public law corporation status is made at the state level. The Berlin state government has denied Jehovah's Witnesses public law corporation status. State governments also subsidize various institutions affiliated with such public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious organizations for historical and cultural reasons.

Many religions and denominations have been granted public law corporation status. Among them are the Lutheran and Catholic Churches and Judaism, as well as the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army. Jehovah's

Witnesses are appealing to the Constitutional Court an April 1993 decision of the Berlin state government that had denied the church public law corporation status. In 1997 the Federal Administrative Court in Berlin upheld the Berlin state government's decision. The Court concluded that the group did not offer the "indispensable loyalty" towards the democratic state "essential for lasting cooperation" because, for example, it forbade its members from participating in public elections. The group does enjoy the basic tax-exempt status afforded to most religious organizations.

In September the Lower Saxony ministry of education barred a teacher in Lower Saxony from wearing a headscarf in the classroom. She filed suit against the ruling. The case continued at year's end. In July 1998, the Baden-Wuerttemberg minister of education supported the decision of the Stuttgart school district not to hire a Muslim woman for a teaching position in a public school because she wore a traditional headscarf. The minister took the position that the scarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The minister permitted the woman to conduct the practice teaching required for her degree, but argued that allowing a teacher to wear a headscarf on the job would violate the religious and political neutrality legally required of all civil servants, including teachers. She is now a teacher at a Berlin public school for Muslims, where she is allowed to wear a headscarf. The case was pending at year's end (see Section 1.f.).

The Church of Scientology remained under scrutiny by both federal and state officials who contend that it is not a religion but an economic enterprise. According to representatives of the Church of Scientology, while the public debate over the Church's status and operations has diminished somewhat in intensity compared to previous years, instances of governmental bias and discrimination remain. Authorities sometimes sought to deregister Scientology organizations previously registered as nonprofit associations and require them to register as commercial enterprises. In 1997 the Federal Administrative Court in Berlin declared that a registered nonprofit association, religious or otherwise, could engage in entrepreneurial activities as long as these were only supplementary and collateral to its nonprofit goals, and sent an appeal concerning the deregistration of a Scientology organization in the state of Baden-Wuerttemberg back to a lower level for further review. In December the Stuttgart administrative court ruled that Baden-Wuerttemberg could not deregister the Church of Scientology as an ideological nonprofit organization, stating that Scientology's activities could not be classified as commercial if such activities were used to accomplish the organization's ideological purposes. In August the city of Munich revoked the nonprofit status of the local Scientology organization. In June the Munich administrative court rejected an appeal by the Church of Scientology and upheld the November 1995 decision by the city of Munich to deprive the Scientology-affiliated Celebrity Center Munich of its status as a nonprofit organization. The city had argued that the center allegedly was brainwashing and financially exploiting its members. However, the court ruled that the only relevant point was whether the purpose of the center was to make money. During a March visit to the country by a lawyer for the Church of Scientology, officials in the Foreign Ministry refused to engage in a dialog with the Church and decided not to meet with the attorney. According to officials from the Ministry of Foreign Affairs, the Charge of the German Embassy in a western country met with a Scientology representative in 1996, but no tangible progress resulted from the meeting. Therefore government officials concluded that it was not worthwhile to meet with Scientology representatives again, since they do not believe that the Church has changed those practices that the Government finds unacceptable. Moreover, federal government officials believe that this issue is primarily one for the states to handle.

Some government officials allege that Scientology's goals and methods are antidemocratic and call for further restrictions on Scientology-affiliated organizations and individuals. For example, during a March meeting with a lawyer representing the Church of Scientology and members of the working group on Scientology in the Hamburg interior ministry, Hamburg state officials expressed their belief that the Church is a criminal organization with a totalitarian ideology. In 1997 authorities of the federal and state OPC's placed Scientology under observation for 1 year because of concerns raised by some offices that there were indications that Scientology may pose a threat to democracy. Under the observation decision, OPC officials seek to collect information, mostly from written materials and firsthand accounts, to assess whether a "threat" exists. More intrusive methods would be subject to legal checks and would require evidence of involvement in treasonous or terrorist activity. Federal OPC authorities stated that no requests had been made to employ more intrusive methods, nor were any such requests envisioned. In 1998 federal and state OPC's agreed to continue the observation of Scientology. One state, Schleswig-Holstein, did not agree to implement such observation, since its constitution does not permit such activity. Observation by state OPC's, with the exception of Schleswig-

Holstein, continued at year's end. No criminal charges have been brought against Scientology by the Government. Scientology filed a suit in Berlin to enjoin the Berlin Interior Ministry from the alleged practice of bribing members of Scientology to "spy" on other members. The case continued at year's end.

Most major political parties continued to exclude Scientologists from membership, arguing that Scientology is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus incompatible with those of the political parties. However, there has been only one known instance of enforcement of this ban.

In June 1998, the commission established in 1996 to investigate "so-called sects and psycho-groups," including Scientology, presented its final report to Parliament. The report concluded that these groups did not pose a threat to society and state; however, it called upon the Government to introduce legislation for consumer protection in the "psycho-market" and highlighted the need for the Government to inform the public about dangers to health and property posed by psycho-cults and groups. Particular emphasis was placed on Scientology because it allegedly pursued policies of "misinformation and intimidation" of its critics, according to the report. The report did not classify Scientology as a religion, but as a profit-oriented psycho-group with totalitarian internal structures and undemocratic goals. The commission contended that there were concrete indications that Scientology was a political extremist organization, and recommended to Parliament that observation of Scientology continue. The report also recommended that because of its derogatory connotation the term "sect" should be avoided, and that instead the designation "new religious and ideological communities and psycho-groups" be used.

The interministerial group of mid-level federal and state officials that exchanges information on Scientology-related issues continued its periodic meetings. The group published no report or policy compendium during the year and remains purely consultative in purpose.

Between 1996 and 1998 a number of states published pamphlets warning of alleged dangers posed by so-called sects and ideological groups, including the Church of Scientology. The brochures are provided to the public free of charge. The Bavarian interior ministry provides two brochures, released in 1998, warning against the Church of Scientology. "The Scientology System" and "Scientology: An Anti-Constitutional Movement" warned about alleged hard-sell methods by the Church and asserted that Scientology was striving for world power. The Bavarian interior minister asserted that the Church even was ordering the commission of criminal acts and compared its psychological methods to those of the former East German secret police. The Hamburg OPC published "The Intelligence Service of the Scientology Organization," which outlines its claim that Scientology tried to infiltrate governments, offices, and companies, and that the Church spies on its opponents, defames them, and "destroys" them. The government of Schleswig-Holstein published brochures detailing initiatives directed against such groups, including Scientology, as well as what it sees as the legal basis for public action against these groups. Lower Saxony's Office of Youth Protection booklet on such groups describes Scientology as a multinational combine rather than a religion and claims that Scientology has a rigid hierarchy and that it severely punishes its members if they violate its codes; and Mecklenburg Vorpommern also publishes a booklet describing various groups, among them Scientology.

Scientologists continued to report discrimination, alleging both government-condoned and societal harassment because of their church affiliation. A number of state and local government offices share information on individuals suspected of being Scientologists. "Sect-filters," statements by individuals that they are not affiliated with Scientology and which, in practice, are not applied to members of other groups, are used by some state, local, and federal agencies, businesses (including major international corporations), and other organizations to discriminate against Scientologists in business and social dealings. The Federal Ministry of Economics imposed the use of sect filters on companies bidding for contracts to provide training courses. Some state governments also screen companies bidding contracts relating to training and the handling and processing of personal data. The Federal Property Office has barred the sale of some federal real estate to Scientologists, noting that the Federal Finance Ministry has urged that such sales be avoided, if possible. Scientologists assert that business firms whose owners or executives are Scientologists, as well as artists who are church members, faced boycotts and discrimination, sometimes with state and local government approval. Other church members reported employment difficulties, and, in the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship they may have to Scientology. The questionnaire specifically states that the failure to complete the form will result in the employment application not being con-

sidered. Bavaria identified some state employees as Scientologists and required them to complete the questionnaire. Some of those employees refused and filed complaints with the Labor and Administrative Courts. The cases are pending. However, according to Bavarian and federal officials, no one in Bavaria lost a job, was denied employment, or suffered any infringement of rights by public officials or entities solely because of association with Scientology. Bavarian officials also contended that a Scientologist was teaching in a Munich public school and that another Scientologist was a member of the Bavarian Ministry of Culture. During the year, Hamburg city officials expressed public concern about Microsoft Windows 2000, because one of its software functions was developed by a company whose chief executive officer is a Scientologist. The Bavarian interior ministry warned against overreacting to such concerns.

In a well-publicized court case, a higher social court in Rheinland-Pfalz ruled in January that a Scientologist was allowed to run her au pair agency, for which the state labor ministry had refused to renew her license in 1994, solely based on her Scientology membership. The judge ruled that the question of a person's reliability hinges on the person herself and not on her membership in the Church of Scientology. The ruling is under appeal by the state labor office. No damages had yet been awarded by year's end.

Scientologists continued to take grievances to the courts. Legal rulings have been mixed. In recent years, some individuals who had been fired because they were Scientologists took their employers to court for "unfair dismissal." Several reached out of court settlements with employers.

Scientology held exhibitions in Munich, Stuttgart, and Hamburg to explain the Church to citizens. Although Scientologists reported that the exhibitions were a success, Scientology encountered serious difficulties in renting space in major hotels and convention centers. In some cases reservations were cancelled because hotels said that they feared a loss of business if they allowed Scientology to rent exhibition space.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens are free to move anywhere within the country, to travel abroad, to emigrate, and to repatriate, without restrictions that violate human rights.

For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. Through 1999 other persons could apply for citizenship (and with it the right of unrestricted residence) if they met certain requirements, including legal residence for at least 10 years (5 if married to a German), renunciation of all other citizenships, and a basic command of the language. Authorities may use discretion in granting naturalization to persons who have resided in the country for 10 years; however, a new provision is to be enacted on January 1, 2000 granting persons who have resided in the country 8 years the right to naturalization upon application. Long-term legal residents often opt not to apply; they receive the same social benefits as do citizens, and after 10 years of legal residency they are entitled to permanent residence.

The Basic Law and subsequent legislation provide for the right of foreign victims of political persecution to attain asylum and resettlement. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

During the year asylum applications dropped to their lowest level since the amendment of the asylum law in 1993, when the criteria for granting asylum were tightened. There were 95,113 applications for asylum (down 3.6 percent from 1998). The acceptance rate was 3 percent, and 4.5 percent were granted a limited suspension of deportation orders.

Persons coming directly from any country that officials designate as a "safe country of origin" cannot normally claim political asylum but may request an administrative review of their applications while in Germany. Persons entering via a "safe third country"—any country in the European Union or adhering to the Refugee Convention—are also ineligible for asylum.

The law limits legal recourse against denials of asylum applications. Critics argue that few countries can assuredly be designated as "safe third countries" and that the law unjustly fails to allow applicants to rebut such designations. While the law permits appeals against designations of "safe countries of origin," critics protest that the 48-hour period allotted for hearings is too brief. However, the Constitutional Court upheld the constitutionality of the amendments in 1996.

During the first half of the year, more foreigners arrived in the country than departed: 319,608 arrivals (up 16 percent over 1998) compared to 235,918 departures (down 19 percent).

State authorities continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of returns. During the year, certain states (Bavaria) resumed the deportation of refugees from the Republika Srpska region of Bosnia on the grounds that conditions there had improved. The Bavarian interior ministry also gave local offices for foreigners discretion to deny resident permits to refugees "suspected" of abusing repatriation programs to other countries. Munich city officials began requiring refugees claiming to be victims of torture or violence to provide some proof of their claims in order to remain in the country. Since 1992 320,000 Bosnian refugees lived in Germany under "temporary protection" (first asylum), and another 25,000 applied for asylum. During the year, an estimated 21,000 refugees returned to Bosnia voluntarily (compared with 92,000 during the same period in 1998). According to unofficial estimates, approximately 65,000 Bosnian refugees remained in the country at year's end. Among those are an estimated 20,000 who are considered to be unable to return, due primarily to their traumatized state. However, even those refugees who left Germany "voluntarily" were subjected to tremendous pressure. If they did not leave on their own they could have been deported, permanently excluded from reentering the country, and had all their property confiscated, excluding clothing and suitcases. The overwhelming majority of Bosnians legally residing in the country have limited residence permits with no enforceable right to have these permits extended. Once their residence permits expire, foreigners are liable to arrest and incarceration for up to 6 weeks pending a final decision regarding deportation. The Federal Government pays Bosnian refugees who choose to leave the country between $765 and $2,550 (DM 1,350 and DM 4,500) to aid in travel and resettlement costs. Many states provide additional resettlement funds.

With the increase in tensions in Kosovo, German states ceased the deportation of Kosovar Albanians in September 1998 but began deportations again in November 1999. In April the Government stopped processing asylum applications from Kosovar Albanians, effectively granting them a temporary stay in the country. Authorities began processing applications again in October. The Federal Government evacuated from the Former Yugoslav Republic of Macedonia over 14,720 Kosovar Albanian refugees to Germany during the spring. A total of 9,600 of these refugees voluntarily returned to Kosovo. The rest remain in asylum and refugee centers. An additional 15,000 war refugees from Kosovo who came to Germany through their own means were granted temporary protection, and there are a total of 180,000 Kosovar Albanians in the country. In November authorities began deportations of Kosovar Albanians, especially those serving prison sentences for criminal convictions. In November the Annual Conference of Federal and State Interior Ministers agreed to begin the return of "considerable" numbers of Kosovar Albanians in spring 2000.

An investigation is ongoing into the death of a Sudanese asylum seeker who died during a deportation flight while in the custody of Federal Border Police (see Section 1.a.).

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

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. The government is elected on the basis of universal suffrage and secret balloting. Members of the Parliament's first chamber, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates. The second chamber, the Bundesrat, is composed of delegations from state governments.

The law entitles women to participate fully in political life, and a growing number are prominent in the Government and the parties. Slightly under 31 percent of the members of the Federal Parliament are female. Women occupy 5 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are women, including the Chief Justice. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; both party cochairpersons are female, as are 57.5 percent of the party's federal parliamentary caucus members. The Social Democrats have a 40-percent quota for women on all party committees and governing bodies. The Christian Democrats require that 30 percent of the first ballot candidates for party positions be women.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

German courts have tried several alleged war criminals to ease the caseload of the International Criminal Tribunal for former Yugoslavia in The Hague. In November a Duesseldorf court sentenced Maksim Sokolovic, a Bosnian Serb and resident of Germany, to 9 years in prison for crimes committed in Bosnia in 1992. In December a Bavarian state court sentenced Djurdadj Kusljic to life in prison after he was convicted for the murder of six Muslims in Bosnia in 1992 (see Section 1.a.).

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

The law prohibits denial of access to housing, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship. The Government enforces the law effectively.

Women.—While violence against women occurs and almost certainly is underreported, it is prohibited by laws that are enforced effectively. Societal attitudes toward such violence are strongly negative, and legal and medical recourse is available. Police statistics on rape, including attempted rape, showed a 19 percent increase to 7,914 cases in 1998 from 6,636 cases in 1997. However, in 1998 for the first time statistics on spousal rape, which is illegal, were included in these figures, making comparisons with previous years difficult.

The Government conducted campaigns in the schools and through church groups to bring public attention to the existence of such violence and proposed steps to counter it. The Federal Government has supported numerous pilot projects throughout the country. There are, for example, 387 "women's houses", including 116 in the East, where victims of violence and their children can seek shelter, counseling, and legal and police protection.

Trafficking in women and forced prostitution also are forbidden by law; however, trafficking in women and girls is a serious problem (see Section 6.f.). In recent years, the Federal Ministry for Women and Youth commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters, producing, for example, a special report on violence against women in 1995. More recently, the Ministry's public information poster campaign to combat violence against women and discriminatory behavior has been highly visible in schools, official buildings, and public spaces.

Union contracts typically identify categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women are disproportionately represented in these lower-wage scale occupations.

In June the Government adopted a national platform of action, "Women and Occupation," which called for regulations to promote the equality of women and men in the workplace, including equal opportunity plans with binding quotas for women in employment and vocational training within the jurisdiction of the federal administration; greater representation of women in political advisory councils, in which women now make up 12.7 percent of representatives; a mandatory government report on the development of earnings and the economic situation of women during every legislative period; measures to promote vocational training of women in information technology and engineering professions; and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. Public education is provided and is mandatory through the age of 16.

The Government recognizes that violence against children is a problem requiring its attention. Police figures indicate that there were 16,596 cases of sexual abuse of children in 1998, a 1.7 percent decrease from 16,888 in 1997. Officials believe that the number of unreported cases may be much higher. The Child and Youth Protection Law stresses the need for preventive measures, and the Government has taken account of this in stepping up its counseling and other assistance.

The Criminal Code was amended in 1993 and in December 1997 to further protect children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The 1993 amendment made the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

People With Disabilities.—There is no discrimination against the disabled in employment, education, or in the provision of other state services. The law mandates several special services for disabled persons, and the Government enforces these provisions in practice. The disabled are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. The severely disabled may be granted special benefits, such as tax breaks, free public transport, special parking facilities, and exemption from radio and television fees.

The Federal Government set guidelines for the attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate the disabled. All 16 states have incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a "barrier-free environment."

Religious Minorities.—Anti-Semitic acts continued to decline, decreasing 28 percent, with 433 incidents reported in the first 9 months of 1999, compared with 552 in the same period in 1998. These incidents included, in part, 314 cases of the distribution of anti-Semitic materials or the display of symbols of banned organizations, 27 cases of desecration of cemeteries, and 12 cases of bodily injury. For example, on October 4, the Berlin Jewish cemetery was desecrated; 103 headstones were overturned and 25 headstones were broken. The attack was the single largest act of desecration since the end of World War II. However, police did not classify the act as an "anti-Semitic act" since no swastikas or anti-Semitic tracts were found in the cemetery. On October 4, swastikas were painted on the Bertolt Brecht memorial in downtown Berlin. On October 5, swastikas were found painted on the Holocaust memorial at the Putlitz Bridge in Moabit. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

In June French politician Jean-Marie Le Pen was found guilty of inciting hatred in 1997 for referring to the gas chambers as a detail in history, and in November Australian Holocaust revisionist Frederick Toben was sentenced to 10 months in prison for slander and for insulting the memory of the deceased (see Section 2.a.).

During the year the International Commission on Holocaust-Era Insurance Claims worked to establish a plan for European insurance companies to pay Holocaust-era life insurance claims. The companies had refused to pay many legitimate claims during and after World War II. In August the Commission announced agreement on payment of claims at the rate of approximately 10 times the face value of policies. A claims process was expected to begin on January 31, 2000. Representatives of claimants appear to be satisfied with the proposed solution to this long outstanding issue, although some details of the program remain undecided.

Scientologists continued to report instances of societal discrimination (see Section 2.c.).

There was no progress during the year in the investigation of the 1998 bombing of the grave of Heinz Galinski, chairman of the Jewish Community of Berlin until his death in 1992.

National/Racial/Ethnic Minorities.—The number of antiforeigner crimes continued to decline, decreasing 25.6 percent in the first 10 months of the year, compared with the same period in 1998. However, skinhead attacks on foreigners increased in the eastern part of the country during the year. Also, in March the Government announced that rightwing extremism was on the rise and reaching more persons through the use of the Internet and skinhead rock groups whose songs have racist lyrics. There were a total of 1,193 xenophobic crimes reported in the first 10 months of the year, compared with 1,498 such crimes during the same period in 1998. Of these, 256 were violent attacks, including 231 cases of attacks on persons and 25 cases of arson. Among the total number of xenophobic crimes reported were 278 cases of the distribution of materials or the display of symbols of banned organizations. The percentage of such crimes was significantly higher in the eastern states. As in previous years, most of these offenses were directed against foreign residents.

Perpetrators of antiforeigner violence were predominantly young, male, and low in socioeconomic status; they often committed such acts spontaneously and while inebriated. Some offenders were rightwing extremists, such as neo-Nazis and "skinheads." However, many could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to extremist groups. Other perpetrators were apolitical. The Federal OPC reported that 53,600 persons belonged to far-right organizations in 1998, an increase of 14 percent from 48,400 in 1997, including 8,200 persons described as violent, an increase from 7,600 in 1997.

In February Farid Guendoul, an Algerian asylum seeker, died after he reportedly was attacked and chased by skinheads in the eastern town of Guben. Guendoul was

at a disco with friends when a group of neo-Nazi skinheads arrived and an altercation broke out. Guendoul and his friends fled the disco but the neo-Nazis pursued them in cars. Guendoul threw himself through a glass door of an apartment building to escape the skinheads who were yelling, "Foreigners out!" Guendoul bled to death. When police officers arrived on the scene, they arrested Guendoul's African friend and held him for 8 hours before realizing their mistake. Swastikas were painted next to the door where Guendoul died, 2 days after the incident. Authorities arrested 11 neo-Nazis on charges of manslaughter and breach of the peace. Their trial began in June and continued at year's end. In 1998 there were 93 racist attacks in the state of Brandenburg, where Guben is located, including several attacks that led to severe injury.

Some state governments, particularly in eastern Germany, established special commissions to deal with incidents of antiforeigner violence.

The federal and state governments were committed firmly to combating and preventing rightwing violence and continued to search for more effective law enforcement measures, as well as measures aimed at the societal roots of extremist crimes. Police in the eastern states continued to move toward reaching standards of effectiveness characteristic of police in the rest of Germany and demonstrated greater coordination in preventing illegal rightwing and neo-Nazi activities.

On March 9, a bomb exploded at the Saarbruecken Community College, where a controversial exhibit documenting German military atrocities during World War II was being displayed. There were no injuries reported, but damages were estimated at $1 million (DM 1.89 million). The exhibit had been the focus of criticism by veterans' groups and rightwing extremists who believe that it portrays all servicemen as coconspirators in Nazi war crimes. Rightwing protests, often violent, frequently have surrounded the traveling exhibit since its opening several years ago. However, the exhibit was withdrawn after a number of photographs were proven not to depict German soldiers (see Section 1.c.).

On January 31, police arrested 10 extreme rightists in Berlin after authorities broke up a party commemorating the 66th anniversary of Adolf Hitler's accession to power. According to the authorities, those who were arrested had illegal neo-Nazi paraphernalia. During the raid on what police described as a "conspiratorial music event" that was attended by approximately 300 extreme rightists, three police officers were injured.

In November 1998, the Magdeburg memorial to Roma and Sinti murdered during the Nazi era was desecrated, only 2 days after it was unveiled.

Isolated attacks targeting Turkish establishments and individuals occurred. Although some attacks were linked to rightwing perpetrators, most were attributed to intra-Turkish political or private disputes, but none were directly attributable to the Kurdistan Workers' Party (PKK). Several trials of PKK members were nevertheless under way.

Following the arrest in March of Turkish PKK leader Abdullah Ocalan, a group of Kurdish protesters tried to storm the Israeli Consulate General in Berlin. Israeli guards shot and killed three Kurds, and a fourth died later of his injuries (see Section 2.b.). Jewish and Kurdish leaders in Germany worked together with Berlin police to investigate the incident.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, though this in part is due to the sometimes inadequate language skills or nontransferable professional qualifications of the job seekers. The Federal Government and all states have established permanent commissions to assist foreigners in their dealings with government and society.

In January border guards refused entry to two groups of Czech and Slovak Roma because they did not have the required amount of money per day, $29 (DM 50), for entry. However the majority of persons crossing the border allegedly were not required to prove that they had the required sum. The Federal Border Police state that, in view of the visa free transits prevailing at this border, persons not in possession of bank or credit cards routinely are required to show they that have the minimum necessary financial means for their intended stay.

In September the rightwing German People's Union (DVU) won 5.3 percent of the vote in the Brandenburg state election. It is now represented in the eastern states of Brandenburg and Saxony-Anhalt, where it won 13 percent in April 1998. These victories triggered a debate about whether eastern Germany was susceptible to extremist views. However, it appeared that support for the party came primarily from protest voters who were frustrated with the mainstream parties' inability to deal with the issues of crime and unemployment. The DVU lost elections in Mecklenburg-Vorpommern and in Thueringen. The overwhelming majority (62 percent) of rightwing extremists now live in eastern Germany although only one-fifth of the

overall population resides there. Of the approximately 8,200 rightwing extremists who are classified as "prone to violence" (according to federal statistics), 47 percent live in the East.

In 1997 the Government pledged to protect and foster the languages and cultures of the national and ethnic minorities that have lived traditionally in Germany (e.g., Sorbs, Danes, Roma, Sinti, and Frisians). In July 1998, the Saxony state government passed a law to protect the Sorb minority, and the Hesse government recognized Romani as a minority language.

Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal Interior Ministry and individual states have thus far resisted including Romani among the languages to be protected and cultivated under the European Charter on Regional and Minority Languages. During the year, the Hesse government had indicated its willingness to meet the obligations of the Charter to protect Romani, although the other states have not yet followed suit. According to the Chairman of the Central Council of German Sinti and Roma, the Sinti/Romani minority is the only one of the national minorities recognized by the Government that does not have any unique legal protection, political privilege, or reserved representation in certain public institutions. According to the chairman, opinion polls indicated that 60 percent of Germans opposed protected status for Sinti and Roma, and public statements of government officials and the media continued to perpetuate prejudice against Sinti and Roma.

The state of Saxony passed a new law in July to protect the Slavic Sorb minority. The law grants Sorb status to the broadest possible spectrum of residents living near the Polish border. The law, together with the recently negotiated agreement between Saxony and Brandenburg, also ensures the Sorb community a steady flow of state financing for educational and cultural activities through the newly established Foundation for the Sorb Nation. Saxony and Brandenburg contribute $4.23 million (DM 8 million) each annually to the foundation, and the Federal Government contributes $8.47 million (DM 16 million). At the time of the agreement it was expected that the federal contribution would be lowered to $4.23 million (DM 8 million) by 2007.

In May Parliament approved a new citizenship law that allows children born to legal foreign residents to become citizens. Children can retain both their parents' nationality and a German passport until the age of 23, when they must choose one or the other. The law also decreases the period of residence in the country required for foreign residents to earn the right to naturalization from 15 years to 8 years. The law was approved by the Bundesrat and was scheduled to go into effect on January 1, 2000. The law was the subject of considerable public debate.

Section 6. Worker Rights

a. *The Right of Association.*—The right to associate freely, choose representatives, determine programs and policies to represent workers' interests, and publicize views is recognized and freely exercised. Some 32.1 percent of the total eligible labor force belong to unions. The German Trade Union Federation (DGB) represents 81.4 percent of organized workers.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO was responding to complaints about sanctions imposed on teachers who struck in the state of Hesse in 1989 and, earlier, the replacement of striking postal workers by civil servants. In neither case did permanent job loss result. The ILO continued to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

Compared with previous years, strike activity declined further in 1998. Only 4,000 workers participated in strikes, and only 16,000 work days were lost. There were no notable strikes during the year.

The DGB participates in various international and European trade union organizations.

b. *The Right to Organize and Bargain Collectively.*—The Basic Law provides for the right to organize and bargain collectively, and this right is widely exercised. Due to a well-developed system of autonomous contract negotiations, mediation is uncommon. Basic wages and working conditions are negotiated at the industry level and then are adapted, through local collective bargaining, to particular enterprises.

However, some firms in eastern Germany have refused to join employer associations, or have withdrawn from them and then bargained independently with workers. Likewise, some large firms in western Germany withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities

in the industrywide, multicompany negotiating system. However, they have not refused to bargain as individual enterprises. The law mandates a system of works councils and worker membership on supervisory boards, and thus workers participate in the management of the enterprises in which they work. The law thoroughly protects workers against antiunion discrimination.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Basic Law prohibits forced or compulsory labor, including forced or bonded child labor, and there were no reports that it occurred, apart from trafficking in women and forced prostitution.

A number of lawsuits have been filed by former slave and forced laborers seeking compensation for their suffering during the Nazi era. In February corporations pledged to create a compensation fund for those persons used as forced and slave labor during World War II. On December 17, the Government, representatives of seven interested nations whose nationals had been subjected to slave and forced labor, class action lawyers, and a number of German companies agreed that the Government and the corporations would pay $5.2 billion (DM 10 billion) to a foundation. Once established, the foundation is to make payments to Nazi-era public and private sector forced and slave laborers as well as to all those who suffered at the hands of German companies during this period. In addition, a portion of this amount is to be used to establish a future fund to support Holocaust remembrance, education, international understanding, and the interests of heirs and survivors of Nazi injustice. Further negotiations are to be conducted in 2000 to determine the allocation of the funds among various classes of claimants. At the earliest, it was expected that payments could be made in late 2000.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Federal law generally prohibits the employment of children under the age of 15, with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

e. *Acceptable Conditions of Work.*—There is no legislated or administratively determined minimum wage. Wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering about 90 percent of all wage- and salary-earners, these agreements set minimum pay rates and are legally enforceable. These minimums provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers is 36 hours in western Germany and about 39 hours in the eastern states.

Federal regulations limit the workweek to a maximum of 48 hours. Provisions for overtime, holiday, and weekend pay vary depending upon collective bargaining agreements.

Foreign workers are protected by law and generally receive treatment equal to that of German workers. However, foreigners who are employed illegally, particularly in the construction industry in Berlin, are especially susceptible to substandard wages. Wage discrimination also affects legal foreign workers to some extent. For example, seasonal workers from Eastern Europe who come to Germany on temporary work contracts often receive wages below normal German standards. Furthermore, workers from other European Union countries sometimes are employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage.

An extensive set of laws and regulations on occupational safety and health incorporates a growing body of European Union standards. These provide for the right to refuse to perform dangerous or unhealthy work without jeopardizing employment. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government organs, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversee worker safety.

f. *Trafficking in Persons.*—Trafficking in women and forced prostitution are forbidden by law; however, trafficking in women and girls is a serious problem. The laws against trafficking in women were modified in 1992 and 1998 to deal more effectively with problems stemming from the opening of Germany's eastern borders; trafficking in persons is punishable by up to 10 years in prison. Germany is a destination and transit country for trafficked women. Estimates vary considerably on the number of women and girls trafficked to and through the country, ranging be-

tween 2,000 and 20,000 per year. Most trafficking victims are women and girls between the ages of 16 and 25 who are forced to work as prostitutes. According to police statistics, less than one-half of one percent of trafficking victims are men or boys. Of the women trafficked to the country through fake employment offers, arranged marriages, fraud, and coercive measures, 80 percent come from eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, and the Czech Republic. The other 20 percent of trafficking victims come from Southeast Asia, Africa, and Latin America. The Federal Ministry for Families, the Elderly, Women, and Youth heads an Interagency Working Group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. According to statistics from the Federal Criminal Office, authorities initiated criminal proceedings or charges of trafficking in persons against 751 persons in 1998. The Federal Ministry for Families, the Elderly, Women, and Youth has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than face immediate deportation. The 4-week grace period allows the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. Those who cooperate, although they are very few in number, are granted a temporary stay for at least part of the proceedings and may be eligible for witness protection, although there is no formal nationwide program to protect such witnesses. In three cases during recent years, the children of women in the witness protection program were brought to the country to prevent possible retaliation against them due to the mother's testimony. However, protection ends once the case is concluded. Trafficking victims who cannot afford to pay for their return tickets home may be eligible for state and federal funds for transportation and some pocket money. The Government funds the publication of a brochure that provides information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that is printed in 13 languages and distributed by NGO's and German Consulates abroad. State authorities provide funding for NGO's to counsel and care for victims of trafficking. For example, the city of Berlin provides about $260,000 (DM 500,000) annually for two NGO's that care for and counsel trafficked women. The city provides an additional $155,000 (DM 300,000) annually to women's shelters for trafficked women in the city. The Federal Government provided about $1 million (DM 1.95 million) between 1997 and 2000 to fund six counseling centers for women from Central and Eastern Europe.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (PASOK) holds the majority of parliamentary seats, and its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party is the main opposition party. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities maintain effective control of all security forces. The police and security services are subject to a broad variety of restraints. Some members of the police and security forces nevertheless committed human rights abuses.

Greece has a market economy with a large public sector that accounts for some 40 percent of gross domestic product (GDP). Residents enjoy a relatively advanced standard of living. Structural adjustment funds from the European Union (EU) account for approximately 4 percent of the country's GDP.

The Government respected the human rights of most citizens; however, problems remained in some areas, although there was some progress in others. Security force personnel sometimes abused suspects, residents, and illegal aliens. The Government continued to take corrective action to relieve severe overcrowding and harsh living conditions in some prisons. Police sweeps resulted in the temporary detention of immigrants under often squalid conditions. There are legal limits on the freedom of association of ethnic minorities. Religious leaders acknowledged further general improvement in government tolerance, but some restrictions on freedom of religion persisted: police continued to detain members of non-Orthodox religions for proselytizing. Alternative service for conscientious objectors now is available, although under conditions more onerous than those experienced by military draftees. The Government sometimes placed human rights monitors, including foreign diplomats, non-Orthodox religious groups, and minority groups under surveillance. Violence against women and trafficking in women for the purpose of forced prostitution are problems. Discrimination against ethnic minorities remained a problem, although at

a lower level than the previous year. The Government formally recognizes only the Muslim minority specified in the 1923 Treaty of Lausanne.

Although it reaffirmed individuals' right of self-identification, the Government still refuses to acknowledge formally the existence of non-Muslim groups, principally the Slavophones, under the term "minority." As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture, although problems in this area decreased somewhat during the year.

RESPECT FOR HUMAN RIGHTS

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

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

The case of a Romani man killed by police in Partheni, Thessaloniki, in 1998 was not resolved by year's end. A trial of the policemen involved was pending 18 months later.

The 1998 case of a foreign student killed by a policeman is pending before a police disciplinary board. The accused police officer was charged with intentional homicide, and a trial was pending at year's end.

There was no resolution of the cases of seven doctors accused of manslaughter in 1998 in connection with the case of an alleged hostage-taker in an Athens hospital or of a policeman who in 1996 shot and killed a Romani man at a roadblock in Livadia.

In April a woman was killed by a bomb at the Athens Intercontinental Hotel.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically forbids torture, and a 1984 law (which has never been invoked) makes the use of torture an offense punishable by a sentence of 3 years' to life imprisonment; however, security force personnel occasionally abused suspects during arrest and interrogations and abused resident and illegal aliens. The police also abused Roma (see Section 5).

In August a man on Rhodes accused three policemen of beating him while in custody. The three accused officers were charged and await a trial hearing.

The 1998 case of three policemen who allegedly beat two Romani teenagers was pending trial at year's end (see Section 5). The 1996 case of five police officers who beat an Iraklion man remains pending.

Immigrants—mostly Albanian citizens—accused the security forces of physical, verbal, and other mistreatment (including the confiscation and destruction of their documents), particularly during police sweeps in May, June, and July to apprehend illegal immigrants. The detainees were held in squalid conditions. In June an Albanian citizen required 6 days of hospitalization after police reportedly beat him in Athens. The man's identity papers reportedly were confiscated. Also in June, an Albanian citizen reported that the police beat him badly, and that they also shouted ethnic and religious epithets at him, while another alleged that the police shot him in his apartment. At year's end, these cases were still under investigation by the Government.

Numerous anarchist and terrorist groups attacked a wide spectrum of targets, mostly commercial property, during the year, primarily to protest the NATO action in Kosovo. The firebombing of vehicles, drive-by shootings of buildings, and bombings at commercial establishments, mostly late at night, were widespread. A foreign company's office and a consulate in Thessaloniki were the targets of attempted bombings, as were the residences of the Dutch and German Ambassadors in Athens.

In October the Ministry of Public Order opened a Bureau of Internal Affairs to investigate cases of police misbehavior.

Conditions in some prisons remained harsh due to substantial overcrowding and outdated facilities. As of September, the Ministry of Justice reported that the total prison population was 7,511 (of whom 3,388 were foreigners), while the total capacity of the prison system was 4,542.

Non-EU illegal aliens awaiting deportation at the Drapetsona police detention center in Piraeus staged several hunger strikes to protest what was described by a human rights organization as a "lack of adequate exercise, lack of natural daylight, insufficient toilet and bathing facilities, severely limited access to medical treatment, and no access to social services." Poor conditions also were reported at the two other detention centers for illegal aliens.

The Ministry of Justice continued its program to improve prison conditions and expand capacity. A new center for the rehabilitation of narcotics addicts opened late in the year and admitted its first 100 inmates. The center is designed to house 350

inmates and is to cooperate with an organization for combating narcotics (OKANA) to provide detoxification and rehabilitation for inmates.

The Government is inconsistent in permitting prison visits by nongovernmental organizations (NGO's).

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution requires judicial warrants for all arrests, except during the actual commission of a crime, and the law prohibits arbitrary arrest orders; the authorities respected these provisions in practice. The police must by law bring persons who are arrested on the basis of a warrant or while committing a crime before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within 3 days, unless special circumstances require a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged offense may be tried immediately, under an "expedited procedure." Although legal safeguards, including representation by counsel, apply in speedy procedure cases, the short period of time may inhibit defendants' ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The expedited procedure was used in less than 10 percent of misdemeanor cases; it does not apply in felony cases.

The effective maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. Defense lawyers assert that pretrial detention is exceedingly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years' imprisonment or less may, at the court's discretion, pay a fine instead of being imprisoned.

In the early summer, the police conducted large-scale sweeps and temporarily detained large numbers of foreigners under often squalid conditions while determining their residence status (see Section 5).

Exile is unconstitutional, and no cases have been reported since the restoration of democracy in 1974. In a significant step, the Government in 1998 repealed Article 19 of the Citizenship Code, which permitted it to revoke the citizenship of Greek citizens of non-Greek ethnic origin who traveled outside Greece. Between 1955 and 1998, according to then-Minister of Interior Papadopolous, some 60,000 citizens had lost their citizenship under the old law. The new law was not applied retroactively. About 400 individuals who had lost their citizenship in the past under Article 19 continued to reside in Greece. Following the repeal of Article 19, most of these individuals were issued identification documents characterizing them as stateless, but they were permitted to apply to reacquire Greek citizenship. Most of these 400 persons had not had their applications adjudicated by year's end (also see Section 2.d.).

Article 20 of the Citizenship Code, which permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state," remained in force. In the past, this article affected Greek citizens abroad who asserted a "Macedonian" ethnicity. There were no reports of Article 20 being invoked by the Government during the year (also see Section 2.d.).

e. *Denial of Fair Public Trial.*—The Constitution provides for the independence of the judiciary, and it is independent in practice.

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, the right of access to the prosecution's evidence, the right to cross-examine witnesses, and the right to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. The low fees paid for such work often result in poor translation. Foreign defendants who depend on these interpreters frequently complain that they do not understand the proceedings of their trials. A non-Greek-speaking Albanian defendant reportedly received a 12-year prison sentence in a trial in which he had no interpreter; the case was under appeal at year's end.

The legal system does not discriminate on the basis of sex, religion, or nationality, with some exceptions: The Ministry of Education and Religious Affairs may base its decision on "house of prayer" permit applications on the opinion of the local Orthodox bishop (see Section 2.c.); nonethnic Greek citizens are prohibited legally from

settling in a large "supervised zone" near the frontier (although this prohibition is not enforced in practice); and a 1939 law (also not enforced in practice) prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these safeguards do not appear to be effective. The security services continued to monitor human rights groups (see Section 4), non-Orthodox religious groups, minority group representatives, and foreign diplomats who met with such individuals. Human rights activists reported suspicious openings and diversions of mail. As far as is known, the Government took no steps to stop such practices or to prosecute those 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 Government generally respected these rights in practice. Legal restrictions on free speech nevertheless remain in force.

Articles of the Penal Code that can be used to restrict free speech and the press include Article 141, which forbids exposing the friendly relations of the Greek state with foreign states to danger of disturbance; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations and inciting citizens to rivalry and division, leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past were allowed to convert their convictions into a fine of approximately $14 (5,000 drachmae) per day.

In a 1997 case, two journalists were convicted of publishing classified government documents; their convictions were under appeal at the Supreme Court at year's end.

In May an editor in Kozani was given on appeal a 5-month suspended sentence and a fine for insulting the prefect-elect in a 1998 article. A court of first instance had previously sentenced the editor to longer jail time and a higher fine. In January another editor, Yannis Tzoumas, was acquitted on appeal of defaming a government minister, and his 4-month prison sentence was voided.

On matters other than the question of ethnic minorities, there is a tradition of outspoken public discourse and a vigorous free press. Satirical and opposition newspapers routinely attack the highest state authorities. Members of ethnic, religious, and linguistic minorities freely publish periodicals and other publications, often in their native language. The Constitution allows for seizure (though not prior restraint), by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures have been rare; none occurred during the year.

A dictionary published in 1998 generated several lawsuits from individuals who found certain definitions offensive. A court in Thessaloniki ordered the removal of one definition from future editions of the dictionary and threatened the author with a fine and imprisonment if he did not comply. In December 1998, the Supreme Court overturned the lower court's decision, ruling that the definitions were not offensive and could not be banned.

The Constitution provides that the state exercise "immediate control" over radio and television. Once the state monopoly on radio and television ended in 1989, numerous private stations began operations in an essentially unregulated market while the Government sought to draft and implement legislation on licensing and frequency allocations. The National Radio and Television Council (NRTC) has a decisive role in radio licensing but has only an advisory role in television licensing, where the Ministry of Press and Mass Media has final authority.

A 1995 law, not yet fully implemented, established ownership and technical frequency limits on electronic media; the Government and media outlets disputed application procedures and frequency allocations. In December the Government introduced draft legislation designed to legalize stations operating with pending applications; with more applicants than available frequency spectrum, not all stations will gain licenses. The Government occasionally shuts stations for violating intellectual property rights or interfering with civil aviation, military, and law enforcement transmissions. In December Channel Station 2000, an Evangelical radio station, was shut down. The station's owners stated that the closure was because of religious content (although other non-Orthodox stations continue to operate unhindered), whereas the Government asserted that the station's broadcasts sporadically inter-

fered with military channels. State-run stations tend to emphasize the Government's views but also report objectively on other parties' programs and positions. Private radio and television stations operate independently of any government control over their reporting. Turkish-language television programs are widely available via satellite in Thrace.

The case of the television station Antenna was resolved against it. Antenna was appealing a $350,000 (100 million drachmas) fine imposed by the NRTC in 1997 for allegedly contributing to the suicide of a man after his exposure on one of its shows.

The case of Radio Isik, a Turkish-language station in Komotini, charged with operating without a license in 1994 and 1995, was pending at year's end. The 1998 conviction of Abdulhalim Dede, the Muslim owner of Radio Isik for illegal construction of a new radio antenna intended to extend the range of the station, was upheld on appeal in June. The court reduced the sentence from 8 to 2 months in jail but suspended enforcement pending Dede's appeal to the Supreme Court.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government respects this right in practice. Police permits are issued routinely for public demonstrations, and there were no reports that the permit requirement was abused.

In January 30,000 demonstrators protested against proposed government education reforms, at times violently (see Section 5). In the spring several thousand demonstrators threw stones and gasoline bombs at the police to protest NATO actions in Kosovo.

The Constitution provides for the right of association, which the Government respected; however, legal restrictions on the titles of associations remain involving ethnic minorities (see Section 5).

Government authorities legally recognize the existence of the Muslim minority, but not other groups officially as "minorities." However, the 1990 Copenhagen document of the then-Conference on Security and Cooperation in Europe, to which the Government is a signatory, asserts that "to belong to a national minority is a matter of a person's individual choice." The Government affirmed an individual, but not a collective, right of self-identification during the year.

c. *Freedom of Religion.*—The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the prevailing religion; it also provides for the right of all citizens to practice the religion of their choice. The Government respects this right; however, non-Orthodox groups sometimes face administrative obstacles or legal restrictions on religious practice. The Constitution prohibits proselytizing and stipulates that non-Orthodox rites of worship may not disturb public order or offend moral principles.

The Orthodox Church wields significant political and economic influence. The Ministry of Education and Religion supervises the Church, and the Government provides some financial support by, for example, paying the salaries of clergy, subsidizing their religious training, and financing the construction and maintenance of Orthodox Church buildings.

The Orthodox Church is the only religion considered by law to be a "legal person of public law." Other religions are considered "legal persons of private law." In practice a primary distinction is that establishment of other religions' "houses of prayer" is regulated by the general provisions of the Civil Code regarding corporations. For example non-Orthodox churches cannot, as religious entities, own property; the property must belong to a specifically created legal entity rather than to the church itself. In practice this places an additional legal and administrative burden on non-Orthodox religious community organizations, although in most cases this process has been handled routinely.

Two laws from the 1930's require recognized or "known" religious groups to obtain house of prayer permits from the Ministry of Education and Religion in order to open houses of worship. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop. No formal mechanism exists to gain recognition as a known religion, but Ministry officials state that they no longer obtain the opinion of the local Orthodox bishop when considering house of prayer permit applications, that no completed applications were refused during 1999, and that none were pending at year's end. A tax bill passed in 1997 created three new taxes on churches and other nonprofit organizations. Leaders of some non-Orthodox religious groups claimed that all taxes on religious organizations were discriminatory, even those that the Orthodox Church has to pay, since the Government subsidizes the Orthodox Church while other groups are self-supporting.

Approximately 94 to 97 percent of the country's 10 million citizens are Greek Orthodox. With the exception of the Muslim community (some of whose rights, privileges, and government obligations thereto are covered by the 1923 Treaty of Lau-

sanne), the Government does not keep statistics on the size of religious groups within Greece. Ethnic Greeks account for a sizeable percentage of most non-Orthodox religions. The balance of the population is composed of Muslims (officially estimated at 96,000); Protestants, including evangelicals (who state they are approximately 30,000), Jehovah's Witnesses (50,000), Latter-Day Saints (Mormons), Anglicans, Baptists, and nondenominational Christians; Catholics (approximately 50,000); Jews (approximately 5,000); and Scientologists (approximately 7,000). Approximately 300 members of the Baha'i Faith are scattered throughout the country. The majority are Greek citizens of non-Greek ethnicity.

The privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions. The non-Greek Orthodox churches must make separate and lengthy applications to government authorities on such matters as arranging appointments to meet with Ministry of Education and Religion officials and gaining permission to move places of worship to larger facilities. In contrast Greek Orthodox officials have an institutionalized link between the church hierarchy and the Ministry that handles administrative matters.

The 1923 Treaty of Lausanne, which is still in force, gives Muslims in Western Thrace the right to maintain social and charitable organizations ("wakfs") and provides for the function of muftis to render religious and some civil services.

The Muslim population, concentrated in Western Thrace with small communities in Rhodes, Kos, and Athens, is composed mainly of ethnic Turks but also includes Pomaks and Roma. Mosques operate freely in Western Thrace and on the islands of Rhodes and Kos.

Differences remain within the Muslim community and between segments of the community and the Government over the means of selection of muftis (Islamic judges and religious leaders with limited civic responsibilities). Under a 1990 presidential decree, which was codified in a 1991 law, the Government appointed two muftis and one assistant mufti, all resident in Thrace. The appointments (effective in 1991) were based on the recommendations of a committee of Muslim notables selected by the Government. The Government argued that it must appoint the muftis because, in addition to their religious duties, they perform judicial functions in many civil and domestic matters under Muslim religious law, for which the State pays them.

Some Muslims accept the authority of the two officially appointed muftis; other Muslims, backed by Turkey, have "elected" two different muftis to serve their communities (although there is no established procedure or practice for "election"). Three times in 1998, the Government convicted one of the elected muftis for usurping the authority of the official mufti; he has appealed. Earlier convictions (11 over 4 years) against the same individual were upheld on appeal. All of the respective sentences remain suspended pending appeal. The other elected mufti, who was convicted in 1991 of usurping the authority of the official mufti, appealed to the European Court of Human Rights. In December the Court ruled that the conviction violated his freedom of religion and self-expression, but it avoided the question of his legal status as mufti.

Controversy between the Muslim community and the Government also continues over the management and self-government of the wakfs (Muslim charitable organizations) regarding the appointment of officials as well as the degree and type of administrative control. A 1980 law placed the administration of the wakfs in the hands of the appointed muftis and their representatives. In response to objections from some Muslims that this arrangement weakened the financial autonomy of the wakfs and violated the terms of the Treaty of Lausanne, a 1996 presidential decree put the wakfs under the administration of a committee for 3 years as an interim measure pending the resolution of outstanding problems. The committee remains in place although the decree expired in April.

Muslim activists complained that the Government regularly lodges tax liens against the wakfs although they are in theory tax-free religious foundations. Legislation to create a national land and property registry passed in 1996 and upon coming into full effect in 1999 requires the wakfs, as with all property holders, to register all of their property with the Government. The legislation permits the Government to seize any property that owners are not able to document; there are built-in reporting and appeals procedures. To date the Government has not sought to enforce either the liens or the registration requirement.

Protestant groups constitute the second largest religious group after the Greek Orthodox Church. Some groups, such as the evangelicals and Jehovah's Witnesses, consist almost entirely of ethnic Greeks. Other groups, such as the Latter-Day Saints and Anglicans, consist of an approximately equal number of ethnic Greeks and non-Greeks. Non-Greek citizen clergy reported difficulty renewing their visas during the period covered by this report, but these visas eventually were renewed.

As part of new obligations under the Schengen Treaty and the Treaty of Amsterdam, all non-European Union citizens face a more restrictive visa and residence regime than they did in the past.

Although Jehovah's Witnesses are recognized as a "known" religion, they continued to face some harassment in the form of arbitrary identity checks (although reduced from 1998), difficulties in burying their dead, and local officials' resistance to their construction of churches (which in most cases was resolved quickly and favorably). In January a European Court of Human Rights case was resolved when the Government admitted surveillance of an adherent and promised that it would never conduct surveillance of Jehovah's Witnesses again.

In previous years the armed forces consistently refused to exempt Jehovah's Witnesses' clergy from mandatory military service. In 1998 a law providing an alternative form of mandatory national service for conscientious objectors took effect. All clergy now are exempt from any service. The law provides that conscientious objectors may work in state hospitals or municipal services for 36 months. Conscientious objector groups generally characterized the legislation as a positive first step but criticized the 36-month alternative service term, which is double the regular 18-month period of military service. In one case, an application was submitted late and the applicant was instructed to appear for mandatory military service. The applicant appealed this decision; the results of the appeal are pending.

Jehovah's Witnesses also noted two recent cases in which custody of a child was awarded to a Greek Orthodox parent, in part due to the fact that the other parent was a member of Jehovah's Witnesses. In September 1998, an Athens court awarded custody of a child to its father; media reporting stated that because blood transfusions were prohibited by Jehovah's Witnesses, should the child need one, the mother might object and thus endanger the child's health.

Evangelical parishes are located throughout Greece. Members of missionary faiths report difficulties due to antiproselytizing laws. Church officials express concern that antiproselytizing laws remain on the books, although such laws no longer hinder their ministering to the poor and to children.

According to leaders of the Church of Jesus Christ of Latter-Day Saints, the Church has approximately 300 local adherents, about half of whom are of Greek ethnicity. About 60 foreign missionaries arrive each year for 2-year terms. Church leaders report that their permanent members (nonmissionaries) do not encounter discriminatory treatment. However, the police occasionally detained Mormons and Jehovah's Witnesses after receiving complaints that individuals were engaged in proselytizing. According to Mormon leaders, police detain their missionaries at least once every 2 weeks. The missionaries always are released the same day without being charged. In most cases, these Mormons and Jehovah's Witnesses were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were verbally abused by police officers for their religious beliefs. In 1998 the European Court of Human Rights found the Government in violation of the European Convention on Human Rights for convicting Protestants of proselytizing in past cases. There were no proselytizing-related court cases during the year.

Scientologists, most of whom are located in the Athens area, practice their faith through the Center for Applied Psychology (KEFE), a registered nonprofit philosophical organization. According to the president of the KEFE, the group chose to register as a philosophical organization because legal counsel advised that the Government would not recognize Scientology as a religion. In a step toward gaining recognition as a religion, Scientologists applied for a House of Prayer permit in October 1998. The application was pending at the Ministry of Education at year's end.

A 1995 police search of Scientology headquarters revealed a file of press clippings on Greek opposition to Scientology. The file was confiscated and 15 KEFE board members subsequently were charged with "unprovoked factual insult." In May an Athens court acquitted the 15 Scientology board members of the charges.

The Bishop of Athens heads the Roman Catholic Holy Synod. CARITAS, an order of nuns providing charity services, and the Missionaries of Charity (Mother Teresa's order) also operate in the country. Legal recognition of the Catholic archdiocese of Athens, earlier denied, was granted in July.

The Jewish community numbers approximately 5,000 adherents; the majority are of Greek ethnicity and live in the Athens region. A local government official opposed the rededication of a synagogue in Hania, Crete, that was closed during World War II. The synagogue will also serve as a cultural center. Central government and Greek Orthodox officials attended the rededication in October.

Religious instruction in Orthodoxy in public primary and secondary schools is mandatory for all Greek Orthodox students. Non-Orthodox students are exempt from this requirement. However, Jehovah's Witnesses have reported some instances

of discrimination related to attendance at religious education classes or other celebrations of religious or nationalistic character.

The Government took no action to implement or repeal a 1991 law mandating that citizens declare their religion on new standardized identity cards based on EU standards, which could be used for internal EU travel. Current identity cards contain a space for religion that may be left blank.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution calls for freedom of movement within and outside the country and the right to return; however, Muslim leaders asserted that Muslims face administrative obstacles regarding their voter registration when seeking to change their legal residence within or to the region of Thrace.

A section of the Citizenship Code, Article 20, permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state." While the law as written applies equally to all Greeks regardless of ethnic background, to date it has been enforced, in all but one case, only against citizens who identified themselves as members of the "Macedonian" minority. The Government has not revealed the number of Article 20 cases that it pursued. There were no reports of such cases during the year. Dual citizens who are stripped of Greek citizenship under Article 20 sometimes are prevented from entering the country using the passport of their second nationality.

The Government offers asylum under the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. It cooperates with the local office of the U.N. High Commissioner for Refugees (UNHCR). In June a presidential decree took effect that significantly expanded the rights of asylum seekers and brought the law into compliance with UNHCR minimum standards on asylum procedures.

Individuals recognized as refugees under the terms of the U.N. convention are eligible for the residence and work permits that are necessary to settle permanently. In the first 9 months of 1999, 1,130 individuals submitted applications for refugee status; 99 individuals were recognized as refugees. Of those refused refugee status, 286 were granted temporary residence on humanitarian grounds until return to their countries becomes possible.

Reports indicated that the Government at times deported asylum seekers back to their country of origin before they could submit formal applications for asylum. In December 1998, the UNHCR criticized the lack of a coherent, functioning asylum process and the fact that the Government continued to deport forcibly some potential asylum seekers back to their country of origin (or to the country from which they entered Greece) before they could submit formal applications for asylum. After a 1998 increase, such cases dropped in 1999 as the Government more effectively patrolled the country's sea and land borders.

The Government usually does not recognize the concept of first asylum.

Anecdotal evidence suggests that hundreds of individuals from Turkey, Iraq, and Iran enter Greece illegally each year; only a small percentage eventually apply for official refugee status. Some of those who do not apply remain illegally, often living in government camps where conditions vary from adequate to very poor. Others proceed to Western Europe, often applying for asylum there. The Government usually does not seek out such individuals for deportation; since Greece and Turkey do not have a readmission agreement, the Government finds it practically impossible to deport individuals who enter Greece from Turkey.

Albanian immigrants compose over three-fifths of the alien population. Deportations of both illegal and legal immigrants, abusive treatment by police, and inconsistencies and inequities in the way employers provide wages and benefits were common. In the early summer, the police conducted large-scale sweeps of neighborhoods populated by immigrants, temporarily detaining large numbers of individuals under often squalid conditions while determining their residence status (see Section 5).

In the last half of 1998, between 300 and 600 Iraqi Kurds set up camp in a square in central Athens, claiming that the Government was not providing them adequate assistance. In February the police moved the Kurds to an abandoned military base outside the city. All but 17 of the Kurds fled the base and disappeared. They are presumed to be scattered throughout the Athens area. None has returned to the square.

Through April 15, the Organization for the Employment of Human Resources (OAED), a government agency, reported that 201,235 illegal aliens, out of an estimated population of 700,000, applied for legal status or a "green card." The new program was designed to regularize the residency status of illegal, often "economic," immigrants. The green card serves as a residence permit and allows the immigrants to live and work in the country for a limited period of time. The OAED estimated

that there would be a total of 235,000 illegal aliens applying for the green card by year's end; 80 percent of the green cards issued so far are of 1-year duration. A new application is required to extend the card for an additional year. Holders of a "white card" may reside and work legally on a short-term basis while meeting the other requirements necessary to obtain a green card. Press reports cite the obstacles of a complex bureaucracy and the unwillingness of employers to pay social security contributions as primary reasons for the limited ability of white card holders to advance to the green card application process. The OAED estimated that out of a total of 386,000 white card holders in 1998, 186,000 simply dropped out of the green card application process. Legislation provides for the green card program to remain in effect until the end of 2001. Press reports estimated that it would take 3 years just to process the applications already submitted.

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

Greece is a multiparty democracy whose Constitution provides for full political rights for all citizens and for the peaceful change of governments and of the Constitution. The Government headed by Prime Minister Constantine Simitis of the Panhellenic Socialist Movement (PASOK) won in free and fair elections in September 1996. Parliament elects the President for a 5-year term. Voting is mandatory for those over age 18, but there are many conditions that allow citizens not to vote, and penalties are not applied in practice. Members of the unicameral 300-seat Parliament are elected to maximum 4-year terms by secret ballot. Opposition parties function freely and have broad access to the media.

Women are underrepresented in government and politics, although no legal restrictions hinder their participation. Women held 2 ministerial positions in the Government and only 1 of 29 subministerial positions. Of the 300 members of Parliament, 17 were women.

While the Government generally respects citizens' political rights, there are occasionally charges that it limits the right of some individuals to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity, thus impinging on the political rights of such persons. However, in the 1996 parliamentary elections, three Muslim deputies were elected in Thrace, one each from PASOK, New Democracy, and the Coalition of the Left. Romani representatives report that local authorities sometimes deprive Roma of the right to vote by refusing to register them. However, Romani activists also report that some municipalities encourage Roma to register. Municipalities can refuse to register Roma who do not fulfill basic residency requirements, which many Roma have trouble meeting.

In 1996 the Government transferred responsibility for oversight of all rights provided to the Muslim minority under the Treaty of Lausanne (including education, zoning, administration of the wakfs, and trade) from elected local governors to a government-appointed regional administrative official, the periferiarch of Eastern Macedonia and Thrace. Some minority members charged that the transfer reduced their ability to use the democratic process to influence decisions that affect them. The Government stated that it made the change because the central authorities could administer Greece's treaty obligations more effectively.

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

The Government allows domestic human rights organizations to operate, but cooperation with them varies. In principle it does not prohibit foreign diplomats from meeting with officials and other citizens, including critics of official policy. However, the security services on occasion monitor contacts of human rights groups, including listening in on conversations held between those groups and human rights investigators and diplomats and questioning contacts (see Section 1.f.). Monitors view this as a form of intimidation that deters others from meeting with investigators.

A government ombudsman's office, which opened in 1998, by the end of August received 855 complaints directly related to human rights issues, of which 462 were processed. Human rights cases constituted 20 percent of all cases, an increase from 12 percent in 1998.

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

The Constitution provides for equality before the law irrespective of nationality, race, language, religious or political belief; however, government respect for these rights in practice was uneven.

The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne, although it stated publicly in August that members of that minority could identify themselves individually as belonging to different ethnic

groups. However, the Government failed to acknowledge formally the existence of non-Muslim ethnic groups, principally Slavophones, under the term "minority." As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture.

Women.—Violence against women and trafficking in women are growing problems. The incidence of violence against women reported to the authorities is low; however, Athens' Equality Secretariat, which operates the only shelter for battered women in Athens, believes that the actual incidence is "high." According to press and academic estimates, there were approximately 4,500 cases of rape in 1999. Reportedly only 6 to 10 percent of the victims contact the police, and only a small fraction of the cases reaches trial. Conviction rates on rape charges are low for first time accused, but sentences are harsh for repeat offenders.

The General Secretariat for Equality of the Sexes (GSES), an independent government agency, asserts that police tend to discourage women from pursuing domestic violence charges and instead undertake reconciliation efforts, although they are neither qualified for nor charged with this task. The GSES also claims that the courts are lenient when dealing with domestic violence cases. The GSES, in cooperation with Ministry of Public Order, conducted three training courses during the year for police personnel on how to treat domestic violence victims.

Facilities for battered women and their children exist but often are staffed inadequately to handle cases properly. A government shelter (the only residential facility for battered women and their children) provides relevant services in Athens, including legal and psychological advice. Battered women also can go to state hospitals and regional health centers. Late in the year, the GSES opened a new facility in Pireaus and announced plans to open two other facilities in Thessaloniki and Epirus soon. There is still no emergency telephone hot line for abused women to call for help. A joint committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice was established during the year to focus on women's issues.

Prostitution is legal. Prostitutes must register at the local police station and carry a medical card that is updated every 2 weeks. While the number of Greek women entering the profession has declined steadily over the years, according to the police and academic sources, trafficking in women for prostitution, mostly from the former Soviet republics, Albania, Bulgaria, and Romania, has increased sharply in recent years (see Section 6.f.). It is estimated that there are approximately 20,000 prostitutes.

While national data on arrests of prostitutes is not available, police and media reports estimate that 1,500 women were arrested for prostitution during the year, about 5 times the number for the same period in 1998. Most are foreigners who were apprehended for noncompliance with legal requirements. Media reports implicated several police officers as participants in prostitution rings. The local press alleged on a number of occasions that policemen sometimes accepted bribes from traffickers or pimps or forced illegal immigrants to have sex with them and then channelled them into prostitution rings. The vice squad unit of the police was disbanded temporarily in part as a result of these allegations.

Trade unions report that lawsuits for sexual harassment are very rare: according to the unions, only four women have filed such charges in the past 3 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reports that sexual harassment is a widespread phenomenon, but that women are discouraged from filing charges against perpetrators by family members and coworkers.

Women enjoy broad constitutional and legal protections, including equal pay for equal work. The National Statistical Service's most recent data (the second quarter of 1998) show that women's salaries in manufacturing were 70.8 percent of those of men in comparable positions; in retail sales, women's salaries were 88 percent of those of men in comparable positions.

Although there are still relatively few women in senior positions, in recent years women entered traditionally male-dominated occupations such as the legal and medical professions in larger numbers. However, women still face discrimination when they are considered for promotions in both the public and private sectors. According to the women's section of the GSEE, 58.6 percent of the country's long-term unemployed are women, while women constitute only 38 percent of the work force. Women also are underrepresented in labor union decisionmaking centers. To ameliorate the situation, the GSES established two regional employment offices for women in Thessaloniki and Patras and plans to open three more offices.

Children.—The Government is committed to providing adequate basic health and education services for children. Education is compulsory through the ninth grade and free through university.

In January thousands of high school students, their teachers, and trade union supporters demonstrated to protest a government education reform that would require the students to take exams more frequently and in more subjects to gain admission to college, academic standards that had been applied in the past. More than 30,000 protesters blocked streets in Athens and hurled firebombs at buildings and the police. The student protests started in November 1998 and continued during the first 2 months of 1999; they diminished after that. The students also occupied and refused to leave some schools.

Several government organizations have responsibility for children's issues. The National Welfare Organization, which has a nationwide network of offices, is active in the field of child protection. Legislation in 1998 combined the National Welfare Organization with two similar entities early in 1999 to provide better services. The services of the new single organization were regionalized to provide greater access to child welfare services and funding prioritized according to regional needs.

Penal law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement.

There is no societal pattern of abuse of children. No national data exist on the incidence of child abuse; authorities other than police are not required to report such cases. Past sampling—although without verified, up-to-date statistics—suggest problems with child and sexual abuse. In a 10-year clinical study of 200 cases of abused children, the Institute of Child Health (ICH) reports that 59.5 percent involved physical abuse, 20 percent involved neglect, and 21 percent involved children who were not abused at the time but had a history of abuse. (The study did not cover victims of sexual abuse.) An ICH prevalence study of child sexual abuse among 740 university students revealed an incidence rate of 7 percent among boys and 17 percent among girls prior to age 18. Societal abuse of children in the form of pornography and child labor is rare. Child prostitution is a growing phenomenon, particularly in some parts of immigrant communities of central Athens. Child health specialists say that some social groups, such as Roma and illegal immigrants, are underserved.

Children's rights advocacy groups claim that the protection of high-risk children in state residential care centers is inadequate and of low quality. They cite lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. To address this problem, two municipal shelters for battered children opened in Athens during the year. Child health specialists note that the number of children in residential care facilities is decreasing, while the number in foster care is rising.

In recent years, the number of street children who panhandle or peddle at city intersections on behalf of adult family members or for criminal gangs increased. According to the Ministry of Public Order, 78 percent of these children are Albanian, 12 percent are from other Balkan countries, and 10 percent are Romani. Early in the year, the Government implemented measures to combat this phenomenon. The measures included the institutional placement of children up to 12 years old, therapeutic consultations with their families, and the deportation of juveniles 12 to 17 years old. The measures had visible results for only a very short period. It is widely believed that even those who were deported managed to return eventually.

People with Disabilities.—Legislation mandates the hiring of disabled persons in public and private enterprises that employ more than 50 persons. However, the law reportedly is enforced poorly, particularly in the private sector. The law states that disabled persons should number 3 percent of staff in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for disabled persons. Recent legislation mandates the hiring of disabled persons in
the public sector from a priority list. The disabled are exempt from the civil service exam. Persons with disabilities have been appointed to important positions in the civil service.

The Construction Code mandates physical access for disabled persons to private and public buildings, but this law, too, is enforced poorly. A 1997 survey showed that over 60 percent of public buildings are not accessible to persons with mobility problems. Ramps and special curbs for the disabled have been constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. Since 1993 the Government has been replacing old city buses with new ones with stairs specially designed for the disabled. The new Athens subway lines were designed to provide full access for the disabled.

Religious Minorities.—Non-Orthodox citizens have complained of being treated with suspicion or told that they were not truly Greek when they revealed their religious affiliation. Non-Orthodox citizens have claimed that they face career limits within the military and the civil service due to their religions. In the military, generally only members of the Greek Orthodox faith become officers, leading some members of other faiths to declare themselves Orthodox. Only two Muslim officers have advanced to the rank of reserve officer.

Claims of discriminatory denial of Muslim applications for business licenses, tractor ownership, or property construction have diminished greatly in recent years, and there were no reports of such claims during the year (see Section 5-National/Racial/Ethnic Minorities).

Members of minority faiths have reported incidents of societal discrimination, such as local bishops warning parishioners not to visit clergy or members of minority faiths and neighbors requesting that the police arrest missionaries for proselytizing.

National/Racial/Ethnic Minorities.—An increase in xenophobia paralleled an increase in the number of of non-Greeks living and working in the country.

Antiforeigner sentiment is directed mainly at Albanians (who make up over three-fifths of the alien population). Deportations of both illegal and legal immigrants, abusive treatment by police, and inconsistencies and inequities in the way employers issue wages and benefits are common. In the early summer, the police conducted large-scale sweeps of neighborhoods populated by immigrants and members of ethnic minorities, temporarily detaining large numbers of individuals under often squalid conditions while determining their residence status. Landlords in Athens and other parts of the country routinely refuse to rent to Albanians, even to that country's diplomats. Following the September Athens earthquake, legal permanent residents (holders of green cards) were not issued earthquake allowances and were told to wait, despite having all the proper documentation from civil engineers regarding the damage to their housing.

There are communities that identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), and "Macedonians" or "Slavomacedonians." Most are integrated fully into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne, applying the term to several different ethnic communities. Most of the Muslim minority (officially estimated to number 96,000) is ethnically Turkish or Turcophone and lives in Western Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identify themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness. While use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loyalties, and many object to their use by Greek citizens of Turkish origin. The 8-month prison sentence of a dozen Muslim teachers, convicted in 1996 for using the name "Turkish Teachers of Western Thrace" in a union document, remained suspended pending appeal. In March an appeals court upheld a 1986 trial court decision ordering the closure of the "Turkish Union of Xanthi" because of the use of the word "Turkish" in the organization's name.

The Treaty of Lausanne provides that the Muslim minority has the right to Turkish-language education, with a reciprocal entitlement for the Greek minority in Istanbul (now reduced to about 3,000). Western Thrace has both Koranic and secular Turkish-language schools. Government disputes with Turkey over teachers and textbooks caused the secular schools serious problems in obtaining faculty and teaching materials in sufficient number and quality. Under a 1952 educational protocol, Greece and Turkey may exchange annually 35 teachers on a reciprocal basis for service in Istanbul and Western Thrace. Due to the dwindling needs of the small and aging Greek population in Istanbul, in recent years the Greek side limited the exchanges to 16 teachers per country. Complaints from Muslim leaders that Greek bureaucratic barriers prevented the Turkish teachers from working in Thrace decreased during the year.

The Government approved 19 Turkish textbooks for use in the secular Turkish-language schools. Under a 1960 bilateral protocol, Turkey should provide copies of the approved texts for use in the schools of Western Thrace. However, the books did not arrive in time for the beginning of the fall 1999 semester. In January and March, appeals courts in Thrace acquitted and dismissed cases against Muslim parents convicted between 1992 and 1994 of destroying government-edited, Turkish-language textbooks provided to their children in violation, according to the parents, of the 1960 protocol.

In Western Thrace over 8,000 Muslim children attended Turkish-language primary schools. An additional 150 attended 2 bilingual middle schools with a religious curriculum. Approximately 700 attended Turkish-language secondary schools, and approximately 1,300 attended Greek-language secondary schools. Many Muslims reportedly went to high school in Turkey due to the limited number of places in the Turkish-language secondary schools, which are assigned by lottery. In 1999 the Government instituted an EU-funded program for teaching Greek as a second language to Muslim children, primarily in the Greek-language schools, to improve their academic performance and chance of obtaining postsecondary education in Greece.

Government incentives encourage Muslim and Christian educators to reside and teach in isolated villages. However in August in education reform legislation the Government cancelled the program of incentives for Christian educators teaching temporarily in minority schools. Teachers Union representatives complained that the move would discourage Christians from seeking temporary teaching positions in minority schools. The law permits the Minister of Education to give special consideration to Muslims for admission to universities and technical institutes. Universities and technical institutes are required to create a certain number of places for Muslim students each year; 376 spaces were available in 1999. Under this law, 123 Muslim students entered Greek universities and technical institutes during the year. Approximately 1,700 other Muslim students entered via the national examination process open to all Greeks and were attending universities and technical schools.

The rate of employment of Muslims in the public sector and in state-owned industries and corporations is much lower than the Muslim percentage of the population. In Xanthi and Komotini, while Muslims hold seats on the prefectural and town councils, no Muslims are regular employees of the prefecture. Muslims in Western Thrace claim that they are hired only for lower level, part-time work. The Government says that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limit the number of Muslims eligible for government jobs.

Public offices in Thrace do their business in Greek; the courts provide interpreters as needed. The office of the nomarch (governor) in Rodopi prefecture, where many ethnic Turks live, has Turkish-language interpreters available.

Claims of the discriminatory denial of Muslim applications for business licenses, tractor ownership, or property construction diminished greatly in recent years, and there were no reports of such claims during the year. However, the provision of basic public services (electricity, water, and telephones) in Muslim villages lagged behind that of non-Muslim areas but continued to improve during the year.

Other than in one multicultural elementary education "pilot school," the Government does not provide instruction in Greek as a second language to Turcophone children in the Athens area. Muslim parents report that their children are unable to succeed in school as a result of this policy. The Government maintains that Muslims outside Thrace are not covered by the Treaty of Lausanne and therefore do not enjoy those rights provided by the treaty.

Muslim leaders also asserted that the Government routinely withholds permission from Muslims seeking to change their legal residence, which determines where they vote, from rural to urban communities within Western Thrace or from elsewhere in Greece to Thrace. They said that permission to change legal residency from Western Thrace to elsewhere in Greece was granted readily, and charged that the practice was part of a government policy to encourage Muslim emigration from the region and to prevent the urban concentration of Muslims in Thrace.

The Government refuses to acknowledge formally the existence and "minority" status of ethnic groups, principally Slavophones, other than the Muslim minority specified in the Treaty of Lausanne. As a result some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture. Northern Greece is home to an indeterminate number (estimates range widely, from under 10,000 to 50,000 or more) of citizens who are descended from Slavophones. Some still speak a Slavic dialect, particularly in Florina province. A small number of them identify themselves as belonging to a distinct ethnic group, which they call "Macedonian," and assert their right to minority status. (These self-described ethnic "Macedonians" are hereafter referred to as "Macedonians.") Their assertions generate strong objections among the 2.2 million ethnically and linguistically Greek inhabitants of the northern Greek region of Macedonia, who use the same term to identify themselves. The Government refuses to recognize the Slavic dialect as "Macedonian" and denies that it is a language distinct from Bulgarian. Members of the minority assert that the Government pursues a policy designed to discourage use of their dialect. Greek sensitivity on this issue stems from concern that members of the "Macedonian" minority may have separatist aspirations. Greece's dispute with the former Yugoslav Republic of Macedonia over that

country's name heightened this sensitivity. Complaints of government harassment and intimidation directed against these persons decreased significantly.

In July three Muslim Members of Parliament and a number of Greek human rights organizations issued a letter calling on the Government to recognize legally the right of self-identification for members of all minorities, including the Muslim and "Macedonian" minorities. Senior government officials in August reaffirmed an individual, but not a collective, right of self-identification. The Government continued to maintain officially that the only "minority" in Greece is the Muslim minority specified in the 1923 Treaty of Lausanne.

The General Secretariat for Adult Education (GSAE), a government agency, estimates the total Romani population to be 150,000 to 200,000. Nonofficial sources estimate the total at 250,000 to 300,000. Most of the Roma in Western Thrace are Muslims; elsewhere the majority are Greek Orthodox. Many Roma are settled permanently, mainly in the Athens area. Others are either mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country or live in camps. The GSAE reports that the number of Roma who move around the country is decreasing gradually as families settle mainly into slums and camps around major cities. There are approximately 70 Romani camps with a total camp population between 100,000 and 120,000 persons.

Roma frequently face discrimination in employment and in housing, particularly when attempting to rent accommodations. They experience police abuse more frequently than some other groups. There was no progress in the case of two policemen who shot and killed a Rom in April 1998 in Partheni who refused to stop his car for inspection. The trial of a policeman accused of beating two Romani teenagers in Mesolonghi in May 1998 had yet to begin by year's end.

Romani representatives report that some local authorities refuse to register Roma as residents in their municipalities. Until registered with a municipality, no citizen can vote or exercise other civic rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security.

Most Roma camps have no running water or electricity, much less garbage disposal or sewage treatment. Many exist under the harassment and threat of eviction by local authorities. For example a camp of some 60 Roma just north of Athens was declared illegal several times by local authorities despite the families' presence there for 10 to 30 years.

The Ministry of Defense allocated land and houses at a former army camp in Gonou for the Roma of Evosmos, Thessaloniki, to occupy for the next 5 years. (The 3,500 Roma were evicted in 1998 from their home of some 30 years and then evicted from 4 other sites in the following 15 days.) However, necessary renovations to the camp had not yet been made by year's end. Human rights monitors charge that the Government delayed renovating the camp in reaction to the protests of neighboring residents who do not want the Roma in their vicinity.

In February the deputy mayor of Aspropyrgos led a group of local officials in bulldozing and burning the camp of a neighboring settlement of approximately 100 Roma who had settled on a resident's private property. Reportedly, 3 days before the incident, the same local government official ordered the Roma's water supply cut off.

Government policy is to encourage the integration of Roma. The Prime Minister has designated a member of his staff to coordinate the efforts of all government ministries having a role in their integration. Poverty, illiteracy, and social prejudice nevertheless continue to plague large parts of the Romani population; these problems are most severe among the Roma who are mobile or who live in slums. Although the GSAE conducts education and training programs for them, the illiteracy rate among Roma is estimated at 80 percent. The Ministry of Education established a system of identity cards designed to permit students to change schools easily as their parents move and is developing a system of satellite schools for Romani settlements.

The integration of Roma into social security systems is quite low. It is estimated that 90 percent of Roma are not insured by the public social security systems, since they are unable or unwilling to make the required contributions. Like other qualified citizens, indigent Roma are entitled to free health care. However, their access to health care at times is hindered by the fact that their encampments are located far from public health facilities.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Roma community. The projects include training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Roma children, and the establishment of youth centers in areas close to Roma communities. The Ministry already has established six such centers.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution and the law provide for the right of association. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike.

Approximately 26 percent of workers (nearly 650,000 persons) are organized in unions. Unions receive most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state are represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions have dues-withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions are grouped into regional and sectoral federations and 2 umbrella confederations, 1 for civil servants and 1, the General Confederation of Greek Workers (GSEE), for private sector employees. The GSEE and the Civil Servants' Confederation (ADEDY) announced in 1998 that they would merge in 2000. Unions are highly politicized, and there are party-affiliated factions within the labor confederations, but day-to-day operations are not controlled by political parties or the Government. There are no restrictions on who may serve as a union official.

Legal restrictions on strikes include a mandatory period of notice, which is 4 days for public utilities and 24 hours for the private sector. Legislation mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes.

The courts have the power to declare strikes illegal, although such decisions seldom are enforced. However, unions complain that this judicial power serves as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give adequate advance notice of the strike or the addition of demands by the union during the course of the strike. However, no striking workers were prosecuted.

Fewer strikes took place during the year than ever before, and those that occurred were fairly brief and nondisruptive. Strikes by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and providing greater job security.

Unions are free to join international associations and maintain a variety of international affiliations.

b. *The Right to Organize and Bargain Collectively*.—Legislation provides for the right to organize and bargain collectively in the private sector and in public corporations. These rights are respected in practice. There are no restrictions on collective bargaining for private sector employees.

In 1997 and 1998 civil servants were accorded the right to organize and bargain collectively with the Ministry of Public Administration. The civil servants confederation conducted official negotiations with the Ministry of Interior for the first time in 1999.

In response to union complaints that most labor disputes ended in compulsory arbitration, legislative remedies were enacted in 1989 providing for mediation procedures, with compulsory arbitration as a last resort. Legislation in 1992 established a National Mediation, Reconciliation, and Arbitration Organization and applies to the private sector and public corporations (the military and civil service excluded).

Antiunion discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union organizers. Three free trade zones operate according to EU regulations. The labor laws apply equally in these zones.

c. *Prohibition of Forced or Compulsory Labor*.—The Constitution prohibits all forced or compulsory labor, including that performed by children, and the Ministry of Justice enforces this prohibition; however, women and girls are trafficked into the country for the purpose of forced prostitution (see Section 6.f.). The Government may declare the "civil mobilization" of workers in the event of danger to national security, life, property, or the social and economic life of the country. The International labor Organization (ILO) Committee of Experts has criticized this power as violating the standards of ILO Convention 29 on forced labor. The Government did not resort to civil mobilization during the year.

d. *Status of Child Labor Practices and Minimum Age for Employment*.—The minimum age for employment in the industrial sector is 15 years, with higher limits for certain activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits are enforced by occasional Labor Inspectorate spot checks and generally are observed. However, families engaged in agriculture, food

service, and merchandising often have younger family members assisting them, at least part time. The Constitution contains a blanket prohibition of compulsory labor. Although no specific legislation explicitly prohibits forced and bonded labor by children, such practices are not known to occur (see Section 6.c.).

e. *Acceptable Conditions of Work*.—Collective bargaining between the GSEE and the Employers' Association determines a nationwide minimum wage. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of $21.30 (6,700 drachma) daily and $476.90 (149,730 drachma) monthly, effective July 1, is sufficient to provide a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37½ hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. Although the GSEE has characterized health and safety legislation as satisfactory, it charged that enforcement, the responsibility of the Labor Inspectorate, was inadequate. Recent legislation places the Labor Inspectorate under a central authority in compliance with ILO Convention 81. Workers do not have the legal right to remove themselves from situations that they believe endanger their health. However, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for a period of up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

f. *Trafficking in Persons*.—The law does not specifically criminalize trafficking in persons, but other statutes in the Penal Code are used to prosecute such cases. Arrests and court cases for prostitution by unlicensed foreign women, and cases against their traffickers, reportedly have increased.

Trafficking in women for prostitution in Greece has increased sharply in recent years. While the Government is stiffening its border controls, in part because of the EU Schengen Agreement requirements, there are fissures through which many women are brought into the country from neighboring Bulgaria, Albania, or the Former Yugoslav Republic of Macedonia.

According to a Panteion University study, 75 percent of foreign female prostitutes are not told why they are being brought to Greece. Some women arrive as "tourists" or illegal immigrants who seek work and are lured into prostitution by club owners who threaten them with deportation. Some women are kidnaped from their homes by their fellow countrymen and smuggled into Greece where they are "sold" to local pimps. The victims of this practice are often minors. Frequently, connections exist between illegal prostitution and other criminal activities.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orban, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May 1998 by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. The Government respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. There continued to be credible reports of police abuses, although their frequency has declined compared with previous years.

Through its macroeconomic policies and extensive privatization, the Government demonstrated its commitment to the transition to a market economy. The private sector generates about 80 percent of gross domestic product. Services, trade, and government employ about 45.5 percent of the labor force. The proportion of the labor force involved in industry is almost 53 percent. Major exports include manufactured goods (39 percent) and machinery and transport equipment (50 percent). An estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected. Romani leaders and civic organizations claim that socioeconomic conditions for the Romani minority have worsened since the change of regime in 1989.

The Government generally respected the human rights and civil liberties of its citizens; however, there were problems in some areas. Although the authorities addressed problems in specific cases, police continued to use excessive force against suspects. Police also harassed and abused both Roma and foreign nationals. In practice the authorities do not always ensure due process in all cases. Prosecutors and

judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial. Unlike in 1998, there were no reports that police entered private residences without warrants to check foreigners' identification.

The electronic media are a mix of state-owned and privately owned radio and television, with private stations dominating audience share by a wide, and ever-widening, margin. The Government publicly declared its intention to "balance" the media, in order to encourage more extensive attention to the conservative values and themes that the Government promotes. Many members of the governing coalition believe that liberal, opposition-leaning journalists are overrepresented in the state-owned media. The center-right coalition used its influence over personnel and advertising decisions to attempt to alter the content of some news programs broadcast on state media. This led to complaints by opposition politicians of unfair media treatment. Spousal abuse of women, sexual harassment, and discrimination in the job market remain serious problems. Steps were implemented to improve the rights of women and persons with disabilities. Anti-Semitic and racist attacks persisted, but the numbers have been declining over the past several years. Societal discrimination against Roma remains a serious problem. Trafficking in women and children for the purpose of forced prostitution is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

Trials began in a number of cases of men charged with crimes against humanity for shooting into crowds of demonstrators with machine gun fire and for throwing hand grenades, all at the time of the 1956 Revolution. The defendants were tried in 1993. At the time, they were charged with murder, but acquitted because the 15-year statute of limitations for such a charge had passed. The new trial became possible after the Supreme Court overturned the previous verdicts in June, stating that these cases should be tried as war crimes, which have no time limit. In these cases, the issue before the courts is whether each specific individual is guilty of a war crime, an argument that can be made because a civil war was in progress at the time, and all defendants were members of the border guards, police, or military.

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 such practices. No known incidents of torture occurred; however, there is an ongoing investigation into the allegation—made by a confessed mass murderer—that his confession was obtained under torture. Police abuses continued, including use of excessive force, beatings of suspects, and harassment. Police also continued to harass and physically abuse Roma and foreign nationals. In 1998 2,296 reports of police abuse were filed. Of these complaints, only 312 resulted in court cases. In 845 cases, no investigation occurred. Many of the cases that did make it into the court system are still underway, so no accurate data on convictions are available. Historically, 10 to 15 percent of such cases result in conviction. Punishments include fines, probation, and the imposition of suspended sentences. In 1997 the Budapest central district court sentenced four police officers to 1 to 2½ years in prison for the exceptionally severe beating of a detainee under interrogation. The appeals court suspended the sentences, and three out of the four officers continue to serve as police officers. According to a report by the Hungarian Helsinki Committee, persons detained by police complain of abuse, but very few file official complaints because they do not expect positive results and fear that the complaint may affect their cases adversely. Some sources attribute the rise in numbers of reports of police abuse to a growing willingness to seek official redress in these instances. The Romani minority community and dark-skinned foreigners are the most common victims of police abuse, with Roma bearing the brunt. After a nationally broadcast news program, carried on a privately owned channel, reported in March on police brutality in Hajduhadhaz, police arrested and beat a Rom who was interviewed on the program. Two other Roma who also appeared in the program went into hiding out of fear of further retaliation. In June the Ministry of Interior admitted that Hajduhadhaz had the highest level of reported police violence in the country and that half of the town's police force was under investigation for allegations of abuse. A Roma rights organization reported that in Budapest in June, three police officers beat and kicked a Romani university student as he walked through a park. When the man told the officers that he would report their abuse, they beat him further. The Rom filed a lawsuit against the officers involved. Despite such oc-

currences, the Ombudsman for Minority Affairs believes that the situation is, at worst, remaining constant, and possibly is marginally better.

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police generally are more cooperative with outside monitoring of police behavior. However, these efforts are hampered by low salaries and a lack of physical resources. A 1997 study by the ombudsman's office, which investigates constitutional violations in the public sector, condemned police corruption but noted that it was unsurprising that it existed, given police officers' low pay and poor working conditions. The ombudsman found that working conditions in the vast majority of police offices were unsuitable.

Police frequently harass foreign residents, although the former practice of charging questionable fines for traffic violations to earn petty cash appears to have ceased, as the law regarding collection of fines has changed. There were no reports of this kind of activity during the year. At times, police showed indifference towards foreigners who have been victims of street crime.

Prisons are overcrowded but meet minimum international standards. The population of prisons and detention centers as of September was 15,153, or 151 percent of capacity. (This is an increase of almost 1,000 prisoners from the end of 1998.) A further increase in prison population is expected due to a 1998 change in the law that altered the meaning of a "life sentence." Previously, this was interpreted as 15 to 25 years; the new law extends the sentence to 20 to 30 years, with an allowance for an actual sentence of life in prison, on the second occasion of receiving such a sentence. The average age of prisoners is now under 30. Between 70 and 80 percent of prisoners earn wages while in prison, either from work performed in prison, or from work-release programs. Some programs allow prisoners to spend weekends at home. A recent change in philosophy led to more efforts to rehabilitate criminals for their eventual return to normal life. According to officials, the general health of prisoners declined in the last few years. The chief ombudsman issued a report on prison conditions and facilities in 1997 that is expected to lead to the closure of the Veszprem prison as soon as a new facility is built. The report also included a survey among prisoners about alleged abuse, which concluded that abuse by prison personnel was not a problem.

The Government permits visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—Police must inform suspects upon arrest of the charges against them but may hold them for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings. The authorities must provide counsel for juveniles, the indigent, and the mentally disabled. Credible reports suggest that police do not always allow access to counsel, particularly for minor crimes. Bail is to be available for citizens as well when a new Criminal Code enters into force in January 2000. It is currently available to foreigners, but rarely is used.

The Police Act permits police to hold suspects in public security detention (PSD) in cases in which the suspect has no identity papers; in which blood or urine tests must be performed to determine blood alcohol content; or if the suspect continues to commit a misdemeanor offense in spite of prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code.

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). According to the new Criminal Procedure Law, pretrial detention is to be limited to a maximum of 3 years, after which the case expires automatically if formal charges are not brought. The lack of a bail system gives tremendous leeway to the judge. In 1996 the average length of pretrial detention was 3 to 6 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months (most recent figures available). In addition, foreigners usually are held until their trial since they are considered likely to flee the country. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee is released for lack of evidence, but the procedure rarely is exercised since detainees must undertake a complicated legal procedure to pursue their claims. The Minister of Justice, on behalf of the State, decides on compensation. The amount depends on the case and can cover the costs of the trial, attorney's fees, lost wages, and some other miscellaneous sums.

The law does not provide for exile, and it is not employed.

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

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all the courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The highest level of appeal is the Supreme Court, whose decisions on constitutional issues are binding. In the case of military trials, appeals also may be addressed to the Supreme Court. A fourth level of courts is to be created when the new Criminal Procedure Law goes into effect in January 2000. A new court of appeal is to be inserted between the metropolitan/county court and the Supreme Court. Established initially in Budapest, Szeged, and Pecs, these courts are designed to alleviate the current backlog of court cases and permit lower courts to hear simple cases. Critics of the new system charge that it would instead slow court procedures and increase costs. Although passed and signed by Parliament, the Government delayed indefinitely the implementation of the new level of courts, citing budgetary constraints. In the fall, Parliament decided to open only one of these courts in Budapest after January 2002. A National Judicial Council (NJC) was established in 1997 to nominate judicial appointees and oversee the judicial budget process. The NJC will also oversee the implementation of the fourth level of courts.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it. Citizens may appeal directly to the Constitutional Court if they believe that their constitutional rights have been violated. Parliament elects the Court's members for 9-year terms, which may be renewed, although this never has happened. The retirement age of the Constitutional Court judges is 70 years. Parliament debated lifting the retirement age of judges but made no decision. No judge or member of the Supreme or Constitutional Courts may belong to a political party or engage in political activity.

The law provides for the right to a fair trial, and the authorities respected this right in practice. Counsel is appointed for indigent clients, but public defenders are paid poorly—less than $5 (1,000 Huf) for the first hour of the trial and less than $2.50 (500 Huf) for each additional hour—and do not give indigent defendants priority; lawyers often meet such clients for the first time at trial.

In selected cases judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. In October 1998, the victim protection office was established in the Ministry of the Interior. Under the new Criminal Procedure Law, witnesses (and in some cases, victims, judges, and translators) are to be protected by having their personal data kept closed, in a separate location from the case files. For specially protected witnesses, court appearances are unnecessary; they are to be questioned personally by the judge. In July Parliament passed a resolution calling for a new victim protection plan, which would provide new identities and homes for victims. A bill must be submitted by December 31, 2001. There is no jury system; hence judges are the final arbiters. Under the new Criminal Procedure Law, prosecutors are to have greater influence over their cases. Plea bargaining, which is known as a "trial waiver," is now available to prosecutors.

Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Judicial proceedings are generally investigative rather than adversarial in nature. The public defender system provides generally substandard service. (There is no public defender's office, as such; private attorneys may or may not choose to serve in this capacity. Since public defenders are paid only for the hours spent in trial, little to no preparation is done and lawyers often meet their clients for the first time at the trial.)

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly.

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically, they allege that Roma are kept in pretrial detention more often and for longer periods of time than non-Roma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed under the data protection law. Since the majority of Roma fall into the lowest economic strata, they also suffer from the lack of good legal counsel and from unenthusiastic representation.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides that the prosecutor's office may issue search warrants. Police must carry out house searches in the presence of two witnesses and must prepare a written in-

ventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice. During the year, there were no publicized reports that police entered private residences without warrants to check foreigners' identification.

In August 1998, Prime Minister Orban stated that FIDESZ politicians and their families were the targets of illegal secret surveillance in 1997. Orban claimed that the investigators, whose identity he did not reveal, sought damaging information to use in the spring 1998 elections. Opposition (former government) leaders vigorously denied the accusations. Parliament formed a committee to investigate the matter, and this committee has met several times with no conclusive result. All that has been established is that a businesswoman with close ties to the Socialist Party asked a parliamentary guard to surveil a FIDESZ Member of Parliament who had attacked her in a speech in Parliament. The committee's investigation is ongoing.

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 respects this right in practice. However, during the year the FIDESZ-led coalition Government actively attempted to counterbalance what it considers a leftwing bias in news coverage through its influence on personnel decisions within the state-owned media. Nonetheless, a wide variety of views and opinions is available among the highly competitive print and broadcast media.

After the transition from communism, the majority of print media outlets were purchased by foreign publishing companies. In addition, numerous new publications made the local print market much more competitive. Political opposition sources claim that this competition was utilized by the coalition in its attempt to "balance" the print media, some elements of which the Government views as too liberal and anticoalition. Advertisements from state-owned companies and financial institutions were awarded to progovernment papers, which also tend to receive better access to government sources.

Parliament passed a media law in 1995 creating institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio and was intended to insulate the remaining public service media from government control. The National Television and Radio Board (ORTT), the regulatory agency created by the 1995 Media Law, has continued to monitor news broadcasts for equal treatment of all political parties. Several commercial stations were warned publicly by the ORTT during the year for giving more time to one party over others.

The state broadcast media began the process of laying off journalists and administrative personnel to reduce their huge payrolls. Opposition figures accuse them of firing journalists with opposition views and retaining those who favor the coalition.

Academic freedom generally is respected.

b. *Freedom of Peaceful Assembly and Association.*—There are essentially no restrictions on peaceful public gatherings. In general the Government does not require permits for assembly except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, or key government buildings. Police sometimes may alter or revoke permits, but there is no evidence that they abuse this right.

Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and members of all faiths are allowed to practice their religion freely. There are 79 officially recognized religions. There is no preferred religion, although not all religions receive state support. State support is in the form of funds negotiated each year between the Ministry of Cultural Heritage and the Finance Ministry. In 1998 the four major, or "historical," religions (Catholic, Calvinist, Lutheran, and Jewish) received $14.2 million (3.2 billion Huf) in government support. A 1996 law allows citizens to donate 1 percent of their taxes to any religion, and a 1997 law extended this option by allowing citizens to donate 1 percent to any religion and 1 percent to a civil organization or public institution. In 1998 500,000 persons (about 5 percent of the population) used this provision to donate $4.3 million (1 billion Huf) to religions. In 1997 the Government signed a treaty with the Vatican to return church property confiscated by the Communist regime; the treaty also provided for a minimum state payment (separate from the annual negotiated support) of $7.8 million (1.7 billion Huf). Similar compacts were signed with the country's three other historical religions in 1998. The Jewish community receives $2.6 million (608 million Huf) and the Calvinist and Lutheran Churches each are entitled to $4.3 million (1 billion

Huf). Religious schools receive support per child in the same way that state schools do. Religious orders and schools have regained some property confiscated by the Communist regime.

In 1997 Parliament established the Jewish Heritage Public Foundation to provide restitution in the form of life pensions to 17,800 Holocaust survivors born before May 9, 1945. An additional 2,040 persons are to receive pensions automatically when they reach 60 years of age. In a 1998 agreement with the Jewish community on confiscated properties, the Government made a compensatory payment of $2.6 million (608 million Huf) and returned nine properties.

Several synagogues have been built since World War II, generally replacing older demolished synagogues. The first completely new synagogue built since the war was constructed in 1998 at a Jewish summer camp in Szarvas.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or have taken advantage of situations (eviction for nonpayment of bills or condemnation of Roma homes) to relocate and concentrate Romani populations, in effect creating ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with about $40,000 (over 10 million Huf) in public debt may be denied travel documents. The Government requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission sometimes is available.

A total of 5,688 refugees from the former Yugoslavia are registered in Hungary. Most are in private housing, with only 500 housed in 3 refugee camps, or "reception centers," run by the Office of Migration and Refugee Affairs (ORMA). In addition to these three government-owned camps, two additional temporary camps are used through contracts with the nongovernmental organizations (NGO's) that run them. They have been operating since 1991 and 1993, largely as a result of the influx of refugees fleeing the various conflicts and incidents of ethnic cleansing to the south. The Government estimates that there are as many as 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status, although the local office of the United Nations High Commissioner for Refugees (UNHCR) believes that this figure is too high.

The Government provides first asylum and cooperates with the local office of the UNHCR and other humanitarian organizations assisting refugees. The number of persons who received refugee status increased from 594 in 1998 (with 2,566 cases pending at year's end) to 1,307 in the first 8 months of the year, with 4,249 cases pending. (These figures include both those who were granted refugee status and those who were "authorized to stay.") Of 5,002 applications submitted in 1998 (7,118 persons), 1,077 were Afghan (with an additional 989 Afghans caught entering the country illegally), and 3,306 were from the former Yugoslavia. While the high number of Afghan refugees is not unusual, the significant increase in Yugoslav applicants corresponds with the onset of the most recent series of crises in Kosovo. In the months following the cessation of hostilities, many of these applications were withdrawn, and ORMA authorities believe that many more refugees simply have gone home. In March 1998, a new law went into effect that lifted Hungary's geopolitical reservation to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government now adheres completely to the provisions of this Convention. Under the old law, the Government only handled claims from European asylum seekers, and the UNHCR handled all other claims. The increase in caseload resulting from this change and from events in Kosovo and the resulting NATO action placed a tremendous strain on the ORMA's resources, leading to the high number of pending cases and increasing the processing time per application. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure. There were approximately 1,700 asylum seekers located in 4 reception centers as of October 1. The Government has been criticized by NGO's and Western countries for inhuman conditions in detention facilities and the arbitrary application of asylum procedures. In February the Parliament's human rights Ombudsman criticized the conditions in border facilities as "uncivilized and intolerable." In response to this criticism, the Government agreed to close the worst facilities; there is an ongoing project to refurbish the border guards' community shelters. Of the eight currently in operation, three have been fully refurbished and reopened, and one is expected to reopen early in 2000. The conditions in these facilities are not good. The country, which has been dealing with refugee issues on a large scale for only the past 10 years, has borne a great deal of the ref-

ugee burden resulting from the Kosovo crisis, and the Government has sought to work with NGO's to improve conditions.

Aliens caught trying to cross the border illegally may apply for refugee status or are housed temporarily at one of eight border guard facilities throughout the country pending deportation. At any time there are between 500 to 600 people in the facilities. Overall, 4,539 illegal aliens were apprehended in the first 8 months of the year. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often result in lengthy stays. 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 age 18 and over have the right to change their government through national elections held at least every 4 years. Members of Parliament are elected through a complex voting procedure for individuals and party lists. The FIDESZ—Hungarian Democratic Civic Party heads the coalition with the Smallholders' Party and the Hungarian Democratic Forum (the latter two parties formed the government coalition between 1990 and 1994 with the Christian Democrats, one segment of which later merged with FIDESZ.) The opposition includes the extreme rightwing Hungarian Justice and Life Party and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

No legal impediments hinder women's participation in government or the political process, although they are underrepresented in relation to their percentage of the population; only 33 of 386 parliamentary representatives are women, and 1 woman serves in the Cabinet. Few women occupy other leadership positions in the Government or political parties. Despite the lack of ensured minority representation, there are several Members of Parliament, including one ethnic German and one ethnic Slovak, who are members of ethnic minorities; however, none specifically represents their respective minority populations. There are no Romani Members of Parliament.

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

Numerous human rights organizations operate without government restriction or interference. Many NGO's report that the Government is generally responsive to their requests for information. An increasing number of NGO's are involved in the law-making process. However, individual police units and prosecutors reportedly are uncooperative at times, particularly in cases involving Roma or police abuses. There is also a 21-member parliamentary Committee for Human, Minority, and Religious rights.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against Roma. This is due to widespread prejudice, lack of positive reporting, and lack of opportunity for advancement.

Women.—Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who step forward often receive little help from authorities. While there are laws against rape, often it is unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her abuser. New laws passed in 1997 recognize rape within marriage and increase the penalties for other sex crimes. Women's rights organizations claim that 1 woman in 10 is a victim of spousal abuse and that societal attitudes towards spousal abuse are "archaic." In the first 8 months of the year there were 2,871 reports of crimes against family, youth, and sexual morality; there were 4,589 such crimes reported in 1998. In the first 8 months of 1999 women were the victims of 67,598 crimes; there were 106,211 such crimes in 1998.

The law does not prohibit sexual harassment in the work place. A 1995 report prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women termed sexual harassment in the workplace as "virtually epidemic." Women's groups report that there is little support for efforts to criminalize sexual harassment and that harassment is tolerated by women who fear unemployment more than harassment. In the first case of its kind, a woman won a sex discrimination suit against a potential employer for sex discrimination after the employer advertised for men only.

Legally, women have the same rights as men, including identical inheritance and property rights. While there is no overt discrimination against women, the number

of women in middle or upper managerial positions in business and government remains low, although the number of women in the police and the military has risen significantly over the past several years, with significant increase in 1999. Women are heavily represented in the judiciary and in the medical and teaching professions. A Women's Representative office was established in the Ministry of Social and Family Affairs to address women's issues more effectively.

Children.—The Government is committed to children's rights. Education is mandatory through 16 years of age, and employment is illegal below the age of 15. There is no societal pattern of child abuse, although NGO's report that neglect and abuse are common in state care facilities. In 1998 children were the victims of 8,769 crimes. In the first 8 months of 1999, children were the victims of 5,566 reported crimes.

People with Disabilities.—Government sources estimate that between 600,000 and 1 million persons (6 to 10 percent of the population) are disabled. A law that was passed in 1998 requires that all public buildings be made accessible to the disabled within 10 years. A Council for the Disabled was established in January, under the chairmanship of the Minister of Social and Family Affairs. The Council is to serve as an advisory board to the Government. At present services for the disabled are limited, and most buildings are not wheelchair accessible. A 1997 decree requires all companies that employ over 20 persons to reserve 5 percent of their jobs for the physically or mentally disabled, with fines of up to 75 percent of the average monthly salary for noncompliance.

Religious Minorities.—In July two skinhead members of the Arrow Cross Movement admitted to defacing 15 graves in a Jewish cemetery in Szombathely. The skinheads painted anti-Semitic graffiti on gravestones shortly before a Holocaust commemoration was to take place on July 3 in the cemetery. The desecration was criticized sharply by President Goncz. On November 10, a municipal court found the two youths guilty and sentenced one skinhead to 1 year in prison, which was commuted to 3 years' probation, while the second skinhead was sentenced to 8 months in prison, which was commuted to 2 years' probation.

In August the "Protocols of the Elder of Zion," a notorious anti-Semitic forgery, was published and available for purchase in a Hungarian translation for the first time since World War II. The Jewish community in Nagykoros filed a complaint against the publication with the Prosecutor General. The publication also was criticized by the Calvinist Church and the Catholic Church, which expressed concern over the increasing problem of lack of "respect and tolerance" toward various religious communities. On August 13, the Ministry of National Cultural Heritage criticized any defamation of religion and announced that it supported a call by the Confederation of Hungarian Jewish Communities (MAZSIHISZ) for the publication of a scholarly work in the country addressing the book's false claims. The Ministry of Culture later sponsored a lecture and reception to introduce that book.

In November MAZSIHISZ asked the Cabinet to take action against "Fascist, racist, and anti-Semitic" outbreaks that were a source of public concern. The organization objected to the planned rehabilitation of the country's World War II Prime Minister Laszlo Bardossy, the desecration of Jewish cemeteries, and the publication of anti-Semitic books. MAZSIHISZ argued that the law should be changed to prohibit the denial of the Holocaust. In response to the concerns of the Jewish Community, Orban tasked an official in the Ministry of Culture to oversee issues of concern to the Jewish community.

MAZSIHISZ and international Jewish organizations criticized as unfair a 1998 decision by the Government to provide $128 (30,000 HUF) each to the heirs of Holocaust victims. In February the president of MAZSIHISZ said that hundreds of Holocaust survivors were returning compensation payments to the Government, protesting that the small amounts were an insult. Previous awards to the heirs of victims distributed by the Communist regime were $4,255 (1 million Huf). The Orban Government provided the 30,000 Huf figure as a line item in the Fiscal Year 1999 budget, stating that this amount was all that could be paid out without budget imbalances. Opposition parties were seeking to hold a special parliamentary session on this and other issues, but the Government was opposed to resolving the issue in this manner. Although the figure of $128 was accepted originally by the leaders of the Jewish Community who had negotiated with the Government, it generally is agreed that the amount is too small, and it is a matter of ongoing renegotiation. A case is pending against Enrem Kemal arising from two inflammatory anti-Semitic speeches he made in 1997. Kamal's trial has been postponed several times since 1997. The trial began in November and continued at year's end.

National/Racial/Ethnic Minorities.—The 1993 Law on National and Ethnic Minorities' Rights recognizes individuals' minority rights, as well as establishes the concept of collective rights of ethnic minorities, and states that it is their inalienable

collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized as such it has to have at least 100 years' presence in the country, and its members have to be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which Roma are by far the most numerous). Other groups may petition the Chairman of Parliament for inclusion if they believe that they fulfill the requirements.

The law considers the establishment of local minority self-governments a precondition for the enforcement of the rights of ethnic minorities. For this reason, local minority self-government elections, in conjunction with local government elections, have been held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements. Since ethnicity is not registered officially, voting on minority self-governments is not limited to the minorities themselves; all the voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments can elect their national minority self-governments; all 13 minorities have formed national self-governments.

This model of minority self-government has been criticized mainly on two grounds: first, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics. However, no alternative has been outlined yet since all parties rejected the idea of registering members of minorities. Second, critics call for an increase in the competence of the minority self-governments and considerably more financial resources for them. However, this would require modification of the law, which is not expected in the near future.

There were 770 Romani minority self-governments elected in the local elections in October 1998, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments began operating in January. Of the 477 elected in 1994, 396 still are functioning; the discrepancy reflected the number that ceased functioning between 1994 and 1998 due to a lack of funds. All of the Romani self-governments elected in 1998 were still operating. With some funding from the central budget and some logistical support from local governments, these bodies seek to influence and oversee matters affecting minorities. The Romani minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture is the basic goal, the Roma also have to contend with the fact that they generally belong to the lowest socio-economic strata of Hungarian society. Ethnicity and poverty coincide with Roma; therefore, the Romani self-governments are faced with the task of improving the lives of their constituents with no additional resources. The concept of minority self-governments is in itself new, and policies still are evolving.

In 1995 Parliament appointed an Ombudsman—currently an ethnic German—specifically charged with defending minority rights.

Roma constitute at least 5 percent of the population, with some estimates going as high as 9 percent. In view of the higher birth rate among Roma, compared with the general decline in the Hungarian population, this percentage is likely to remain constant or grow. This fact causes concern among a substantial portion of the majority population. Germans, the second largest minority group, constitute about 2 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians are recognized as ethnic minorities. A new census is to be conducted in 2000. Ethnicity and religion are only optional questions, so this may or may not provide a more accurate estimate of the actual numbers of the minority populations.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for the larger minority groups, complemented by 5-minute weekly news bulletins.

Conditions of life for the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The unemployment rate for Roma is estimated to be 70 percent, over seven times the national average. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations. The Government plans to reduce the limit on unemployment benefits from 1 year to 9 months, which will af-

fect the Romani community disproportionately, with its high unemployment rate, and exacerbate the poverty of this large segment of society. This is likely in turn to reinforce negative stereotypes of Roma as poor, shiftless, and a social burden.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in a form of de facto segregation. Although the children could be returned to the regular school system, only a small percentage return. On September 6, the Minister of Education and the parliamentary Ombudsman for Minority Rights announced at a press conference that there is segregation in the country's educational system. The statement followed the publication of a report by the Ombudsman's office that found that the high proportion of Romani children in "special schools" for the mentally disabled was a sign of prejudice and a failure of the public education system. Schools for Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. Only 1.5 percent of the Romani community graduate from high school, while 0.001 percent graduate from college or university. There are programs aimed at increasing these numbers (the Romaversitas program supports Romani students finishing degrees in institutions of higher education, and there is a Department of Roma Studies in the Teachers' Training College in Pecs). Nonetheless, the impact has yet to be significant. The Hungarian Helsinki Committee found that there are 132 segregated schools throughout the country. The Government contests these claims of human rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children. An interministerial committee was established in the fall and is led by the Minister of Justice. This committee was tasked with assigning Romani affairs desk officers in each ministry. There is currently such a desk officer in the Ministry of Education, who is himself a Rom.

In what is considered a landmark case, in July 1998 a court ordered a bar owner in the city of Pecs to pay a $750 fine and take out a newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe, or unsanitary housing, or have punished nonpayment of utility bills by evicting Roma families, among others, from residences without providing alternative housing as the law requires. The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. Oversight and budgetary control of the Coordination Council for Roma Affairs and the Office of National Ethnic Minorities were shifted from the Prime Minister's Office to the Ministry of Justice. In July the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources.

Widespread popular prejudice against Roma continues. Police commonly abuse them (see Section 1.c.). Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, reports a gradual decrease in the number of such incidents over the past several years, with three such cases in the first 9 months of the year. However, MLKO sources believe that many cases go unreported.

In 1997 changes to the Penal Code made it easier to enforce and stiffen penalties for hate crimes committed on the basis of the victim's ethnicity, race, or nationality.

On February 14, hundreds of neo-Nazis battled police in a bar in Budapest after an international gathering of skinheads on February 13 commemorating the end of the 1944–45 siege of Budapest. After a clash that began when neo-Nazis attacked police officers on routine patrol, eight police officers were injured and 34 protesters were taken into custody. Authorities expelled 26 of the foreign neo-Nazis from the country, and police arrested 8 skinheads (including 2 Hungarian citizens). On February 25, a court found six of the neo-Nazis guilty of a "group attack" and declared them personae non grata.

On August 29, a group of approximately 30 persons attacked a Romani family in a village near Nyiregyhaza. The attackers beat male members of the family, eight of whom were treated in the hospital for injuries. Local police reported that they interrogated two suspects in the case.

On October 17, a group of skinheads attacked two Roma at a pub in Kakucs. One Rom suffered serious injuries as a result of the beating. Local police began an investigation in the case, but no results were reported by year's end.

Section 6. Worker Rights

a. *The Right of Association.*—The 1992 Labor Code recognizes the right of unions to organize and bargain collectively and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. With the exception of military personnel and police officers, they also have the right to strike. Under a separate 1992 law, public servants may negotiate working conditions, but the final decision on increasing salaries rests with Parliament.

The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 735,000 members. The Democratic League of Independent Unions and the Federation of Workers' Councils have approximately 100,000 and 56,000 members, respectively.

On January 4, the Free Union of Railway Workers (one of three major unions of railway workers) went on strike over a dispute about wage increases, after the other two unions had signed a contract. The striking workers returned to work on January 8, after a labor court ruled that the strike was illegal. The decision was overturned a few months later by a court of second instance, which ruled that the union did not have to pay damages.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with European and international trade union bodies.

b. *The Right to Organize and Bargain Collectively.*—The Labor Code permits collective bargaining at the enterprise and industry level, although the practice is not widespread and is discouraged actively in the growing private sector. Labor organizations appear willing to cooperate with one another, and this is particularly evident in their relationship in forums such as the National Labor Affairs Council (OMT), which succeeded the Interest Reconciliation Council in April and which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The OMT discusses issues such as wage increases and the setting of the minimum wage, which is negotiated centrally within the OMT in order to control inflation. Individual trade unions and management may negotiate higher wages at the plant level. The new Government disbanded the Ministry of Labor and split its work between the Ministry of Economy (covering policy issues) and the newly created Ministry of Social and Family Affairs (covering employment issues and responsible for drafting labor-related legislation). Employers are prohibited from discriminating against unions and their organizers. The Ministry of Social and Family Affairs enforces this provision.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children, and the Ministry of Social and Family Affairs enforces this prohibition.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children (see Section 6.c.). The Labor Code forbids labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts, hard physical labor, and guaranteed overtime payments. The National Labor Center enforces these regulations in practice, and there does not appear to be any significant abuse of this statute. Education is compulsory through age 16. Roma are far more likely than non-Roma to stop attending school before age 16. The Government converted the family allowance into a school attendance allowance in September. This measure was intended to "force" children to go to school, but some Romani NGO's fear that this may be another form of discrimination against Roma, many of whom live in small villages with no high schools within manageable distance. Furthermore, the extreme poverty of many Roma makes it difficult for them to clothe their children appropriately for school. Taking away the family allowance is thus seen by Roma as punishment for not doing something they cannot afford, while it is seen by the Government as a way to provide incentives for greater commitment to education among Roma and as an effort to end a cycle of poverty in which impoverished Roma bring up large and illiterate families, whose members themselves later may become public burdens.

e. *Acceptable Conditions of Work.*—The OMT establishes the legal minimum wage, which is subsequently implemented by Ministry of Social and Family Affairs decree. The minimum wage, $95 (22,500 Huf) per month, is insufficient to provide a decent standard of living for a worker and family. This is only 35 percent of the average wage. Many workers supplement their primary employment with second jobs, and there are reports that many citizens, while officially earning the minimum wage,

actually make more. Reporting the minimum wage is a way for both employer and employee to avoid paying higher taxes.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; however, it may vary depending upon the nature of the industry. A 24-hour rest period is required during any 7-day period.

Labor courts and the Ministry of Social and Family Affairs enforce occupational safety standards set by the Government, but specific safety conditions generally are not consonant with internationally accepted standards. The enforcement of occupational safety standards is not always effective in part due to the limited resources that the Ministry of Social and Family Affairs and the Ministry of Economics are able to commit to enforcement. In theory, workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment.

f. *Trafficking in Persons*.—Although the country was once primarily a source for women and children trafficked for the purpose of forced prostitution, it increasingly is a transit and destination point as well. The penalty for trafficking is between 1 and 5 years in prison; however, if an organized trafficking ring is involved, the sentence can be doubled. A recent amendment to the alien law provides for immediate expulsion from the country of foreign traffickers. The Government has concluded agreements with 10 European countries to facilitate improved police cooperation to combat organized crime and trafficking in persons. However, prosecution of traffickers is difficult since there is no legislation to protect victims. Parliament passed a resolution in July that called for a victim protection plan; however, the plan was not implemented at year's end, nor was it aimed primarily at victims of trafficking. Branches of a new Victim Protection Office, which provide psychological support services and legal advocacy for victims, safeguard their rights, and attempt to minimize the trauma of trials, began operating in a few towns in the fall. This office does not deal exclusively or even primarily with victims of trafficking. Many of the victims of trafficking are brought to the country by organized crime syndicates, either for work in Budapest's thriving sex industry or for transit to Western Europe or North America. Russian-speaking organized crime syndicates are active in trafficking women primarily from Ukraine and other countries of the former Soviet Union to the European Union via Hungary.

The International Organization for Migration launched a program funded by the European Union to raise awareness of the problem of trafficking and to educate potential victims in November.

ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

Elected officials control the police force, which scrupulously observes and enforces the laws that ensure protection of human rights.

Iceland has a mixed, open economy that provides residents with a high standard of living. The leading exports, fish and other marine products, account for almost 70 percent of export revenues. An abundance of cheap hydroelectric power provides a comparative advantage for the main manufacturing activity—aluminum smelting. Aluminum is the second leading export. Growth was expected to exceed 5 percent in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's frequent use of solitary confinement for remand prisoners. The Government is taking steps to deal with violence against women. Some societal discrimination against women persists, especially in the area of equal pay. Instances of suspected trafficking in women were reported.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*.—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur.

Prison conditions generally meet minimum international standards.

In a February report, the European Committee for the Prevention of Torture (CPT) expressed concern during its visit to the main prison (Litla Hraun) in Reykjavik in 1998 that nearly all detainees still were being placed in solitary confinement while their cases were under investigation. While the average duration of solitary confinement was between 2 and 3 weeks, the CPT noted that in some cases, solitary confinement lasted up to 3 months. While in solitary confinement, prisoners cannot leave their cells, except for short periods of time to exercise alone or to use the showers, and are not allowed to listen to the radio, watch television, or receive visitors other than their lawyers and prison officials. In November the supervising doctor at Litla Hraun wrote to prison authorities, warning that the mental health of several prisoners awaiting trial on drug trafficking charges could be in danger due to the extended time that they were expected to spend in solitary confinement.

In a preliminary response to the CPT report on September 30, the Government argued that solitary confinement was absolutely necessary in some circumstances to keep suspects from tampering with witnesses, destroying evidence, or hindering the investigation. On the other hand, it conceded that "in the vast majority of cases" incarceration alone was sufficient to protect the integrity of witnesses and evidence. However, the Prison and Probation Administration's own statistics show that solitary confinement was the rule rather than the exception during the first 9 months of the year: More than 90 percent of the 87 persons taken into custody were put into solitary confinement at least initially.

With the closing of the Sudumuli remand prison in 1996, the Government passed a law in 1998 that allows pretrial detainees to be incarcerated with the general prison population. Some human rights monitors claim that this law is inconsistent with the country's obligations under the European Human Rights Convention and European prison rules issued by the Council of Europe. Construction of a new prison in Reykjavik is planned for these detainees.

Juveniles who are 15 years of age or older can be sentenced to prison terms, but the vast majority of juvenile offenders are given probation or suspended sentences, or agree to attend a treatment program instead of going to jail. In the rare instances when juvenile offenders are incarcerated, they must be confined with the general adult prison population due to the lack of a separate detention facility for juveniles. In its February report, the CPT stated that it was "very concerned" about the current situation and recommended that the Government take "immediate steps . . . to ensure that juvenile prisoners are held separately from adults."

The Government permits prison visits by human rights monitors.

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

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

There are two levels of courts. The Ministry of Justice administers the district courts, while the Supreme Court guards its independence and fairness by administering itself. All judges, at all levels, serve for life.

The judiciary provides citizens with a fair and efficient judicial process. Juries are not used, but multijudge panels are common, especially in the appeals process. Depending on the seriousness of the charges, a panel can include from three to five judges. Defendants are presumed innocent. They are provided access to legal counsel of their own choosing with sufficient time to prepare their defense. For defendants unable to pay attorneys' fees, the State assumes the cost. Defendants have the right to be present at their trial, to confront witnesses, and to participate otherwise in the proceedings. No groups are barred from testifying, and all testimony is treated alike. Trials are public and are conducted fairly, with no official intimidation. Defendants have the right to appeal.

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 respect these prohibitions. Violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

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

c. *Freedom of Religion*.—Although the official state religion is Lutheranism, the Constitution provides for freedom of religion, and the Government respects this right in practice. The salaries of Lutheran ministers are paid by the state. Citizens 16 years of age and above are presumed to be members of the state church and are required to support the church by paying a tax, unless they designate another religious denomination to receive their tax payment. The religion tax payment of persons who choose not to belong to any specific, organized religious group goes to the University of Iceland. Religious instruction in Christianity is required in the public schools, although students may be exempted.

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

Although neither the Constitution nor the law include provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice the Government adjudicates cases in accordance with their principles. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, and other humanitarian organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status. In view of the country's geographic isolation and the lack of direct transportation from any traditional source of refugees, the question of first asylum rarely arises. However, the Government reported that 13 individuals arrived during the year and requested asylum. None was found to qualify for refugee status (several cases were still under review), but some were granted temporary entry on humanitarian grounds. Some human rights monitors criticized the arrest and prolonged detention of a Kurdish asylum-seeker, but the Directorate of Immigration, which has responsibility for processing applications for asylum, stated that it had no choice but to turn the individual over to the police for investigation because he had no identity or travel documents and refused to cooperate with the authorities.

The Directorate of Immigration, which traditionally was a part of the national police force, became an independent agency on October 1. The Directorate is responsible for issuing passports, visas, and residence permits and for processing applications for asylum, while the police and customs now have responsibility for manning passport control points for those coming into and going out of the country. However, the police and customs are required to consult with the Directorate of Immigration about individuals arriving without valid visas or passports before refusing them entry. Human rights monitors say that it appears that some of the individuals who were refused entry upon arrival at the international airport during the year were not afforded their legal right to appeal their denial of admission.

In addition to accepting 20 to 25 UNHCR-designated "quota" refugees, the Government admitted 72 Kosovar refugees into the country during the year. Local government authorities in the towns where refugees settle take a strong interest in helping them adapt to their new environment. The Icelandic Red Cross, in cooperation with the Refugee Council of the Ministry of Social Affairs, developed a support family program, whereby at least three Icelandic families are enlisted to assist each refugee or refugee family. The refugees immediately are granted work permits and assisted in finding jobs. For the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate in a special half-day Icelandic language course every day that is designed especially for them. Refugees generally are successful in assimilating into society, but their children drop out of school earlier than children of citizens.

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 most recent elections to the Althingi (unicameral Parliament) were held in May.

Women are underrepresented in government and politics, but no legal or practical impediments hinder their participation. Of the 12 government ministers, 4 are women, and women hold 23 of the 63 seats in Parliament. The Women's List (WL), an activist feminist political party whose establishment in 1983 led to a significant increase in the number of female parliamentarians, joined an electoral alliance with other left-leaning parties in the May elections. The WL plans to merge eventually with the other left-leaning political parties to form a single entity to challenge the more conservative parties. Women's issues have moved into the mainstream of polit-

ical debate, and all of the major political parties now have at least one woman in a prominent leadership position.

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

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

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

The country's ethnically homogenous population is strongly egalitarian and opposed to discrimination based on any of these factors. The law and practice generally reflect this attitude. However, concern is voiced that the rapidly increasing number of foreigners being brought into the country to meet the labor shortage in fish processing and other less desirable occupations could lead to future problems, especially in the event of an economic downturn. Some 14,000 people of foreign origin now live in the country (approximately 2 percent of the population). During the last half of the year, the Directorate of Immigration was issuing new residence and work permits at the rate of more than 200 per month. Many of these "temporary" workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expects most of them to seek to remain permanently rather than return to their countries of origin.

Women.—Violence against women continued to be a matter of concern. A public women's shelter offers counseling and protection to victims of domestic violence and their children. Approximately 400 women and 150 children came to the shelter during the year, 100 of whom sought shelter while the rest asked for counseling or information. At a rape trauma center, 400 women and children seek assistance annually. Both facilities are financed by national and municipal governments, as well as by private contributors. The Reykjavik City Hospital emergency ward has a special staff to care for rape victims. It reports approximately 100 visits per year associated with incidents of sexual abuse.

A police program to train officers in correct interrogation procedures in rape and sexual abuse cases appears to be addressing prior concerns that police indifference and hostility to female victims did not assure proper attention and consideration for victims of such abuses.

Many victims nevertheless decline to press charges, and even more forgo trial, fearing publicity in this small, tightly knit society. With an increasing number of interracial marriages, mostly involving Icelandic men and Asian women, there is concern that these new Asian immigrants are not assimilating well into local society. Concern that these women might be vulnerable to mistreatment led the city of Reykjavik to begin offering them emergency accommodation and assistance, which includes information on legal rights, language training, and an introduction to Icelandic society and norms.

There were indications that some women were trafficked to work as striptease dancers or prostitutes against their will (see Section 6.f.).

In the labor market, the rate of participation by women is high. In part this reflects the country's comprehensive system of subsidized day care, which makes it affordable and convenient for women to work outside the home. Despite laws that require equal pay for equal work, a sizeable pay gap continues to exist between men and women. A survey by a union in Reykjavik showed that women, on average, earned 30 percent less than men. A 12 percent difference in pay is attributable to the fact that men work 4.2 more hours per week than women, but the rest of the gap is unexplained.

Children.—The Government demonstrates its strong commitment to children's rights through its well-funded systems of public education and medical care. School attendance is compulsory through the age of 15. About 85 percent of students continue to upper secondary education, which is financed completely by the state. The Government provides free prenatal and infant medical care, as well as heavily subsidized children's care. In 1994 the government created the Office of the Children's Ombudsman in the Prime Minister's Office, with a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes.

There is no societal pattern of abuse directed against children.

In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government in 1998 established the Children's Assessment Center. The objective of the Center is to create a safe and secure environment where child victims feel more comfortable talking about what happened to them and

are not subjected to multiple interviews. The Center brings together police, prosecutors, judges, doctors, and counselors, as well as officials from the Child Protection Agency of the Ministry of Social Affairs. Prior to the establishment of the Center, barely half of the cases dealt with by the Child Protection Agency were sent to the police for investigation, just a third went to the prosecutor, and only 10 percent ever went to trial. Now some 75 percent of cases are sent to the police for investigation, and the authorities anticipate a corresponding increase in the percentage of cases being prosecuted and sent to trial.

People with Disabilities.—Disabled individuals are not subject to discrimination in employment, education, or the provision of other state services. A 1992 law calls for the disabled to have the right to "all common national and municipal services" and provides that they be given assistance to "make it possible for them to live and work in normal society with others." The law also provides that the disabled should receive preference for a government job when they are equally qualified, or more qualified, than regular applicants. Building regulations updated in 1998 call for public buildings to be accessible. However, the country's main association for the disabled complains that the provisions related to building access often are ignored because there is no penalty for noncompliance. Access to new buildings tends to be good, while efforts to make old buildings more accessible have lagged.

Section 6. Worker Rights

a. *The Right of Association.*—Workers make extensive use of the right provided by the Constitution to establish organizations, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views. The resulting organizations are controlled neither by the Government nor by any single political party. Unions take active part in Nordic, European, and other international trade union bodies. With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have had and used the right to strike for many years. Approximately 80 percent of all eligible workers belong to unions. No strikes occurred during the year, but there were a handful of work stoppages.

b. *The Right to Organize and Bargain Collectively.*—Union membership is not impeded in law or practice. Employers are required to withhold union dues (1 percent of gross pay) from the pay of all employees, whether they are members of the union or not. This is because union dues help support, among other things, an illness fund to which everyone is entitled.

The various trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers' pay, hours, and other conditions. The current 3-year collective bargaining agreements expire in February 2000. In recent years, the Government has played almost no role in the private-sector collective bargaining process, other than generally to encourage wage restraint that would help to limit inflation.

Labor courts effectively adjudicate disputes over contracts and over the rights provided for in the 1938 Act on Trade Unions and Industrial Disputes, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In practice the charges are difficult to prove.

In 1996 the Parliament passed legislation updating the labor laws and bringing them into compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

There are no export processing or other special economic zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by law and does not occur; however, some women reportedly were coerced to work as striptease dancers or prostitutes (see Section 6.f.), and work permit practices could leave workers vulnerable to abuse by employers (see Section 6.e.). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). The law requires children to attend school until the age of 16 and prohibits the employment of younger children in factories, on ships, or in other places that are hazardous or require hard labor. This prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work-hours must not exceed the ordinary work-hours of adults in the same occupation. The Occupational Safety and Health Administration enforces child labor regulations.

e. *Acceptable Conditions of Work.*—No minimum wage is mandated legislatively, but the minimum wages negotiated in the various collective bargaining agreements

apply automatically to all employees in those occupations, whether they are union members or not. Union membership is so extensive and effective that labor contracts afford even the lowest paid workers a sufficient income for a decent standard of living for themselves and their families.

Workers are protected by laws that effectively provide for their health and safety as well as for unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. The standard legal workweek is 40 hours. Work exceeding 8 hours in a workday must be compensated as overtime. Workers are entitled to 10 hours of rest within each 24-hour period and to a day off every week. Under defined special circumstances, the 10-hour rest period can be reduced to 8, and the day off can be postponed by a week, in which case the worker has a right to 2 additional hours off in the following week.

Health and safety standards are set by the Althingi and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which can close down workplaces until safety and health standards are met. Workers have a collective, not an individual, right to refuse to work in a place that does not meet the criteria of occupational safety and health. Firing workers who report unsafe or unhealthy conditions is illegal.

However, in the case of newly arrived foreign workers or refugees (i.e., those who have been in the country for less than 3 years), human rights monitors expressed concern that the Government's practice of issuing the applicable work permit to the employer rather than to the individual concerned could leave the worker vulnerable to abuse by the employer.

f. *Trafficking in Persons.*—The law does not specifically criminalize trafficking in persons; however, a number of provisions in the Penal Code can be used to prosecute such cases.

Trafficking in women is suspected in connection with the growing number of foreign women who enter the country to work in striptease clubs. With the recent opening of several new striptease clubs (there are now 11 clubs altogether), the police expressed concern about the 500 women who entered the country during the year to work in these establishments. It is suspected that some of the women—especially those from Eastern and Central Europe and the former Soviet Union—were coerced to work as striptease dancers or prostitutes against their will.

Regulation of these clubs has been lacking, in part because striptease dancers can enter the country and perform without a work permit for up to a month under an exemption given for "artists." The Government plans to close this legal loophole.

By year's end, there had been no arrests in connection with these activities.

IRELAND

Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, a directly elected president, and an independent judiciary.

The national police (Garda Siochana) are under the effective civilian control of the Minister of Justice and have primary responsibility for internal security. Since the police are an unarmed force, the army acts in their support when necessary—the latter under the effective civilian control of the Minster of Defense. Ireland's principal internal security concern has been to prevent the spillover of terrorist violence from Northern Ireland. With the signing of the Belfast Peace Agreement on April 14, 1998, virtually all parties in Northern Ireland acknowledged the goals of democracy, peace, and reconciliation. All paramilitary groups, on both sides of the border, have declared permanent cease-fires, with the exception of the Continuity Irish Republican Army. There have been allegations that members of the police committed some human rights abuses.

Ireland has an open, market-based economy that is highly dependent on international trade. It is a large net recipient of funds from the European Union (EU) designed to address imbalances in economic activity. Strong economic growth over the past few years lowered unemployment to 6.5 percent, the lowest in 30 years. The proportion of the population in "consistent poverty" declined from 15 percent in 1994 to 10 percent in 1997, according to a local research organization.

The Government generally respected the human rights of its citizens. Human rights problems arise primarily from: Instances of abuse by the police; prison overcrowding and substandard facilities; the continuation of special arrest and detention authority and the nonjury court; the occasional censorship of films, books, and peri-

odicals; violence and discrimination against women; the abuse of children; and discrimination against asylum seekers and Travellers (an itinerant ethnic community).

As stipulated in the Belfast Peace Agreement, the Government published draft legislation in July to establish an independent human rights commission in 2000, which is to cooperate with a parallel commission already created in Northern Ireland. The human rights commissions are to provide information and promote awareness of human rights, comment on human rights draft legislation referred to them by the legislatures, make recommendations to the governments on the adequacy and effectiveness of laws and practices, and initiate court proceedings or provide assistance to individuals doing so.

RESPECT FOR HUMAN RIGHTS

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

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

During the year, the authorities pursued the investigation of the August 1998 carbombing in Omagh, Northern Ireland, that killed 29 people and injured 200. The Garda in the Republic of Ireland and the Royal Ulster Constabulary (RUC) in Northern Ireland cooperated to make 16 arrests of whom 15 were later released without charge. In February Colm Murphy was arrested by the Garda and arraigned at the Special Criminal Court under the auspices of the Offenses Against the State Act (see Section1.d. and 1.e.). Murphy was charged with conspiracy to cause anexplosion and membership in an illegal organization and at year's end was out on bail awaiting trial.

In May the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine people, termed the "disappeared," abducted and killed by the Irish Republican Army (IRA) in the 1970's. Pursuant to joint Irish and British legislation granting limited immunity to IRA members involved in these acts, information was given to the Commission by the IRA on the location of the nine bodies. On May 28, the remains of Eamon Molloy were recovered in a County Louth graveyard and on June 29, the remains of Brian McKinney and John McClory were found in County Monaghan. After formal identification by the authorities, all three bodies were returned to their families. Efforts to find the other six persons who disappeared were unsuccessful, and further recovery operations by the Commission were suspended pending fresh information from the IRA.

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 officials generally did not employ them.

While the mistreatment of persons in police custody is not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody. The authorities have not yet taken action in the case of two persons held in connection with the murder of a police officer in 1996. The pair alleged that they were severely beaten while in police custody and appeared in court with physical injuries consistent with their allegations (see Section 4).

Human rights organizations have called for the establishment of an independent ombudsman or authority to investigate complaints against the police. It would replace the current statutory board, the Garda Siochana (Police) Complaints Board, through which the Garda authorities investigate alleged misconduct by their peers. In 1998 the Board received 1,400 complaints, an increase from 1,291 complaints in 1997, including charges of criminal behavior (mistreatment or abuse). Through a review process conducted in accordance with the 1986 Garda Siochana (Complaints) Act, the Director of Public Prosecutions directed that members of the Garda Siochana should be prosecuted in nine of these complaints.

Ireland has a low incarceration rate (77 inmates per 100,000 population), and the prison regime is generally liberal. However, the physical infrastructure of many prisons is barely adequate: A number of facilities suffer from chronic overcrowding, requiring doubling-up in many single-person cells. Many of the existing prisons are very old, and many cells do not have toilets or running water. There are no adequate hospitals on prison grounds; mental health services for prisoners also are inadequate. Although the new Cloverhill remand Prison opened in June and the new Mountjoy Women's Prison opened in September, by year's end both facilities still were unable to accept inmates because of construction defects. These new facilities are designed to accommodate a further 1,200 prisoners and thereby help reduce overcrowding.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have ready access to the courts for re-

dress. However, according to the Justice Department, no allegations of mistreatment of prisoners were leveled against the Prison Service during the year, and no similar claims were left outstanding from previous years. The Government continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are the same, if not better, than those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without reservation. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited prisons in 1998. The CPT's report was under consideration by the Cabinet, along with the Government's response.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order release unless it can be shown that the person is being detained in accordance with the law. The 1984 Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours when a police officer of the rank of superintendent or above so directs, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. Another extension of 8 hours overnight is possible, to allow a detainee to sleep.

In cases covered by the 1939 Offenses Against the State Act, the initial period of detention without charge is 24 hours on the direction of a police superintendent; detention can be extended another 24 hours. This act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the state," it is not restricted to subversive offenses. Therefore, the police have broad arrest and detention powers in any case involving firearms. However, under the terms of the decommissioning law enacted in 1997 in support of the Northern Ireland peace process, proceedings may not be instituted against persons in relation to any offense that may be committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the state." While this power has not been invoked since the late 1950's, the government could do so by simply issuing a proclamation.

An amendment to the 1939 Offenses Against the State Act was enacted in the wake of the Omagh bombing in 1998. The new legislation allows police to detain suspects in certain crimes, usually involving serious offenses with firearms or explosives, for 48 hours, with a possible 24-hour extension if approved by a judge.

The legislation also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding his whereabouts, associations, or actions, then the accused's silence may be used as corroboration of guilt. The accused person's failure to defend against accusations of membership in an illicit organization also may be used as corroboration of guilt. However, the accused cannot be convicted based solely on his refusal to speak.

Membership in or leadership of an illicit organization carries a possible life sentence under the new amendment (illegal organizations are defined by the 1939 Offenses Act). The word of a police superintendent can be used as corroboration of membership. Collecting information to aid in a serious offense carries a penalty of up to 10 years' imprisonment or a fine.

Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment and a fine. Certain provisions of the 1998 amendment to the Offenses Against the State Act are to expire in June 2000 without specific parliamentary reauthorization. In May a special independent committee was formed to review the collective Offenses Against the State Act legislation for any conflict with certain principles, including legal or human rights principles. The committee is scheduled to report its recommendations to the Government in the first half of 2000.

The 1996 Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking. However, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

Following approval in 1996 of a referendum calling for stricter bail laws, legislation was enacted in 1997 that allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is contained in the bill; the offense must be one that carries a penalty of 5 years' imprisonment or more. However, as of October, the Justice Minister had not yet signed a statutory order that would allow the courts to implement the law's provisions. The lack of accommodations for prisoners was cited as the reason for the delay.

The Government does not use forced exile.

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

The judicial system includes a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges on the advice of the Government.

The Director of Public Prosecutions, a state official with independent status, prosecutes criminal cases. Jury trial is the norm. The accused generally may choose an attorney. For indigent defendants, the state assumes the cost of counsel.

However, the Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972, under the 1939 Offenses Against the State Act, the government set up a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to the spillover of paramilitary violence from Northern Ireland, the SCC was justified over the years as addressing the problem of jury intimidation in cases involving defendants with suspected paramilitary links. The continued need for the SCC is being kept under review by the government.

During 1998 the SCC indicted 37 persons and held 21 trials, compared with 26 indictments and 14 trials in 1997. In addition to "scheduled offenses," the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC if he believes that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order and so certifies in writing.

In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are essentially the same as in regular courts, except that the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC are usually public, but the judge may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Under the terms of the Belfast Agreement, releases continue of those imprisoned for crimes related to the terrorist campaign in Northern Ireland. Prisoners belonging to organizations that have declared permanent cease-fires and who have committed themselves to work through peaceful, democratic means are the only ones qualified for this program. All releases are expected to be completed by May 2000.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Supreme Court affirmed that, although not specifically provided for in the Constitution, the inviolability of personal privacy, family, and home must be respected in law and practice. This ruling is fully honored by the government.

In 1996 the High Court upheld a referendum that removed the ban on divorce. The government enacted implementing legislation allowing courts to grant divorces under certain circumstances.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides individuals with the right to "express freely their convictions and opinions." However, freedom of the press is subject to the qualification that it not "undermine public order or morality or the authority of the state." Publication or utterance of "blasphemous, seditious, or indecent matter" is prohibited. While the press in practice operates freely, the 1961 Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the 1963 Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) are believed to result in some self-censorship.

Broadcasting remains mostly state controlled, but private sector broadcasting is growing. There are 21 independent radio stations and an independent television station. However, expanded access to cable and satellite television is lessening dramatically the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about program-

ming. The 1960 Broadcasting Act empowers the government to prohibit the state-owned radio and television network from broadcasting any matter that is "likely to promote or incite to crime or which would tend to undermine the authority of the state." It was on this basis that the government banned Sinn Fein (the legal political front of the Irish Republican Army) from the airwaves from 1971 to 1994.

Films and videos must be screened and classified by the Office of the Film Censor before they can be shown or sold. Distributors pay fees to finance the censor's office. Under the 1923 Censorship of Films Act, the censor has the authority to cut or ban any film that is "indecent, obscene or blasphemous" or which tends to "inculcate principles contrary to public morality or subversive of public morality." As of October, no theatrical films were banned during the year, but 162 videos were banned, mainly because of their pornographic content. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals are also subject to censorship. The 1946 Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or a member of the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. As of October, the board had not banned any books but had banned eight periodicals including the popular mainstream In Dublin magazine, not for editorial content but for advertisements for "massage parlors," which were regarded by the board as solicitations for prostitution. The action caused considerable controversy and widespread debate. The ban is currently under challenge in the courts. In 1998 the board banned 15 books and 10 periodicals, compared with 10 books and 89 periodicals in 1997, and 63 books and 43 periodicals in 1996.

On July 29, Brian Meehan, an "enforcer" for a drug-smuggling gang was sentenced to life imprisonment for the murder of Veronica Guerin in 1996. Guerin was a journalist who reported on narcotics and organized crime issues and whose murder was seen as an attempt by criminal elements to silence press coverage of their activities. The incident shocked public opinion and led to the adoption of new legislation to combat narcotics-related crime. Paul Ward was also convicted in connection with the case in November 1998; John Gilligan is awaiting extradition from the United Kingdom on the same charge; three other men have been sentenced on lesser charges related to the Guerin case.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to "assemble peaceably and without arms" and to form associations and unions; however, it also allows the State to "prevent or control meetings" that are calculated to cause a breach of the peace or to be a danger or nuisance to the general public. Under the 1939 Offenses Against the State Act, it is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization. Although the government prosecutes and incarcerates persons for mere membership in a terrorist organization, it allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the government does not hamper the teaching or practice of any faith. Even though overwhelmingly Roman Catholic, Ireland has no state religion. However, most primary and secondary schools are denominational, and their boards of management are partially controlled by the Catholic Church. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction. There is no discrimination against nontraditional religious groups.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and repatriation.

The government enacted a new refugee law in 1996, but it has been implemented only partially and is currently under review. The law put into effect the 1990 Dublin Convention, harmonizing European Union asylum procedures, and it also makes provision for program refugees (those invited by the state to apply for asylum; in 1999 mostly Kosovars). The law also expressly forbids the forced return of persons to a country where they fear persecution.

The Government grants refugee or asylee status in accordance with the provision of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with office of the U.N. High Commissioner for Refugees (UNHCR). The government drew up specific administrative procedures for imple-

mentation of the Convention in consultation with the UNHCR. In 1992 the Supreme Court ruled that these procedures were binding on the Minister of Justice. However, as the number of asylum seekers increased (from only 31 in 1990 to 4,446 as of October 1999), these administrative procedures proved inadequate. In particular there are complaints of long delays and a lack of transparency in decisions concerning refugee status. Over 7,000 asylum cases await government action. In 1998 the Department of Justice upgraded its asylum division by increasing its staff and moving it into a larger building with more services for asylum seekers. In October the Government announced that it would join the EURODAC Convention with other EU member states. The EURODAC Convention limits an asylum seeker to filing one application throughout the EU, rather than filing multiple applications in different countries and requires the fingerprinting of asylum seekers, a step already taken unilaterally by the authorities.The Government provided first asylum in 400 cases by October. There were no reports of the forced return of persons to a country where they feared persecution. The increase in the number of asylum seekers, as well as allegations of racism in dealing with them and the issue of whether they should be allowed to work, continued to fuel public debate on immigration (see Section 5).

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

The Constitutional requirement that parliamentary elections be held at least every 7 years always has been met. Suffrage is universal for citizens over the age of 18, and balloting is secret. Several political parties have seats in the bicameral Parliament. Members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are popularly elected; in the Seanad (Senate), most members are elected by vocational and university groups, and the others are appointed by the Prime Minister. The President is popularly elected for a 7-year term and is limited to 2 terms. An appointed Council of State serves as an advisory body to the President.

Women are underrepresented in government and politics. Although the President is a woman, only 21 of the 166 deputies in the Dail and 11 of the 60 senators are women. Of the 15 government ministers, 3 are women, as are 2 of the 17 junior ministers. Three women sit on the 20-member High Court; only 1 of the 8 Supreme Court judges is a woman.

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

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. However, allegations of mistreatment made by two suspects held in connection with the murder of a police officer in 1996 were the source of concern on the part of the Irish Council for Civil Liberties (ICCL), the principal domestic human rights group. The ICCL indicated in a report issued jointly with British-Irish Rights Watch in 1997 that its efforts to investigate these allegations did not receive the cooperation of the police. The ICCL report said that "this incident raises serious questions about the attitude of the Garda (police) authorities toward bona fide human rights organizations investigating allegations of human rights abuses in the Republic of Ireland." The ICCL report requested that the Government set up a "fully independent inquiry, headed by a judge and with high court powers to summon and question witnesses, to investigate the treatment of persons arrested in Limerick following Garda McCabe's murder." The ICCL reported no further progress or action by the authorities on this case in 1999 and recommended that all future police interrogations or interviews be videotaped to avoid similar incidents.

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

The Constitution, as amended, forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status. However, until recently few laws implemented these provisions of the Constitution. In 1998 an amended Employment Equality Act was passed that outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community.

Women.—A 1997 government task force on violence against women concluded that the problem, in particular domestic violence, is widespread and that many women believe that existing services are incapable of responding to their needs. The task force found that many women believe that the legal system minimizes the seriousness of crimes committed against them, fails to dispense justice, and makes them

feel at fault for what happened. The task force cited a need to compile more accurate and comprehensive statistics on the nature and extent of the problem and issued a series of recommendations that are under government review.

According to the Dublin Rape Crisis Center, the level of reported rapes continues to rise. The Center received 7,500 calls between July 1998 and June 1999 (a 5 percent increase over the same period in the previous year) and concluded that there was disquieting evidence that rape and sexual assaults—by their very number and frequency—were dulling the response of the public at large. For the 1998–99 period, the Center estimated that 28 percent of rape and child sexual abuse victims reported the crime to police and that 7 percent of these cases resulted in convictions, with 68 percent of cases still pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police. A 1990 act criminalized rape within marriage and provided for free legal advice to the victim. There are 23 women's shelters in the country, funded in part by the government.

Discrimination against women in the workplace is unlawful, but inequalities persist regarding pay and promotions in both the public and the private sectors. Women hold about 43 percent of public sector jobs but are underrepresented in senior management positions. A government report, issued in October, found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The 1974 Anti-Discrimination (Pay) Act, the 1977 Employment Equality Act, and the amended 1998 Employment Equality Act provide for protection and redress against discrimination based on gender and marital status. The Equality Authority, which officially replaced the Employment Equality Agency in October, monitors their implementation. According to 1998 statistics, women's earnings have increased more rapidly than men's since 1985, albeit from a lower starting point. The weekly earnings of women in industry still averaged only 65 percent of those of men in 1998.

In May a report by the Combat Poverty Agency, based on data from a 1994 national household survey, found that the number of women below the poverty line (defined as 50 percent of the median household income) increased both for single women and single mothers between 1987 and 1994.

Working women often are hampered by the lack of adequate childcare facilities. The 1994 Maternity Protection Act provides a woman 14 weeks of paid maternity leave and the right to return to her job. In 1998 a new Parental Leave Act entered into effect, which allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and health care. Under the 1991 Child Care Act, education is compulsory for children from 6 to 15 years of age. The act places a statutory duty on government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The 1987 Status of Children Act provided for equal rights for children in all legal proceedings.

The sexual abuse of children continued to receive significant media attention. The Dublin Rape Crisis Center reported that 55 percent of contacts with its crisis line involved adults disclosing child sexual abuse during their youth. The Child Trafficking and Pornography Act, which was passed in 1998, strengthens and updates measures to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

In May Prime Minister (Taoiseach) Bertie Ahern made a public apology on behalf of the Government and citizens to the victims of child abuse for a "collective failure to intervene, to detect their pain and to come to their rescue." The Government also announced the creation of a special commission to investigate the subject and a $5.4 million (4 million Irish pounds) fund to provide professional counseling for victims.

People with Disabilities.—The government Commission on the Status of People with Disabilities issued a report in 1996, following a 3-year study, with 402 recommendations. The Commission estimated that 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. The 1991 Building Regulations Act established minimum criteria to ensure access for people with disabilities to all public and private buildings constructed or significantly al-

tered after 1992, but enforcement is uneven. A National Disability Authority (NDA) began operations in November with a budget of $2.7 million (2 million Irish pounds). The NDA is to set disability standards, monitor the implementation of these standards, and engage in research and the formulation of disability policy.

National/Racial/Ethnic Minorities.—Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly analogous to the Roma of continental Europe. The "travelling" community has its own history, culture, and language. The Travellers' emphasis on self-employment and the extended family distinguishes them from the rest of society.

Travellers regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experience difficulties in enrolling their children in school. Sometimes they are segregated into all-Traveller classes. According to 1998 government statistics, of 4,978 Traveller families, approximately 1,191 live on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers are dependent on social welfare for survival and are unable to participate in the mainstream economy because of discrimination and a lack of education.

The 1998 Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee is overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller difficulties in these areas.

A 1998 law, entitled the Housing (Traveller Accommodation) Act—recommended by the 1995 task force—obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. In the event of a failure to agree on a draft plan, county and city managers are responsible for their adoption and implementation. According to traveller groups, the act was implemented with mixed results during its first year.

The increasing numbers of asylum seekers, some of whom were migrating for economic reasons, and the influx of Kosovar refugees continued to spark public debate over how open society is to new immigrants and triggered isolated racist incidents. A 1997 EU poll found that 55 percent of Irish citizens considered themselves racist.

Section 6. Worker Rights

a. *The Right of Association.*—The right to join a union is provided for by law, as is the right to refrain from joining. About 48 percent of workers in the private and public sectors are members of unions. Police and military personnel are prohibited from striking, but they may form associations to represent themselves in matters of pay, working conditions, and general welfare. The right to strike is freely exercised in both the public and private sectors. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment. In October 27,500 unionized nurses held the largest strike in the country's history in a dispute with the Government over pay and promotion schemes. At one point during the 9-day industrial action, 10,000 nurses marched on the Dail (Parliament) to voice their grievances. In early November, the strike was resolved with the nurses' approval of a $170 million (125 million Irish pound) settlement package awarding monetary allowances to certain nurses and creating new senior nursing staff positions. In 1998 the number of workdays lost by strikes decreased significantly from 1997, although the number of industrial disputes increased marginally.

The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the government and political parties.

Unions may freely form or join federations or confederations and affiliate with international bodies.

b. *The Right to Organize and Bargain Collectively.*—Labor unions have full freedom to organize and to engage in collective bargaining. The 1974 Anti-Discrimination (Pay) Act and the 1977 Employment Equality Act make the Employment Equality Agency, now the Equality Authority, responsible for oversight of allegations of antiunion discrimination. If the Authority is unable to effect resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The 1977 Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," i.e., unions, employers, farmers, and the government. In November official negotiations began on a successor to the 3-year "Partnership 2000" agreement negotiated among the social partners in 1996, which is scheduled to expire in the first half of 2000.

The 1990 Industrial Relations Act established the Labor Relations Commission, which provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The export processing zone at Shannon Airport has the same labor laws as the rest of the country.

c. *Prohibition of Forced or Compulsory Labor.*—Forced and bonded labor, including that performed by children, is prohibited by law and does not occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—By law children are required to attend school through the age of 15. Under the terms of the 1997 Protection of Young Persons Act, employers may not employ those under the age of 16 in a regular full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The act gives effect to international rules on the protection of young workers drawn up by the International Labor Organization and the EU; it sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for their workers who are under 18 years of age. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—There is no general minimum wage law. A 1997 government- commissioned study recommended that a national minimum wage be established at a rate of approximately $6.00 (4.40 Irish pounds), which at the time equaled two-thirds of the median industrial wage. The minimum wage is to be adopted in April 2000. However, the Government has not yet indicated how this wage is to be calculated, and controversy has arisen between employers and unions over the issue. Currently several minimum rates of pay apply to specific industrial sectors, mainly those with lower-than-average wages. Although the lowest of these minimum wages is not sufficient to provide a decent standard of living for a family of four, low-income families are entitled to additional benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. The Department of Enterprise, Trade, and Employment is responsible for enforcing four basic laws dealing with occupational safety that provide adequate and comprehensive coverage. No significant complaints arose from either labor or management regarding enforcement of these laws. Recent regulations provide that employees who find themselves in situations that present a "serious, imminent and unavoidable risk" may leave without the employer being able to take disciplinary action.

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

ITALY

Italy is a longstanding, multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with leaders of all political forces in Parliament. The current Parliament was elected in free and democratic elections in April 1996. The judiciary is independent, but critics complain that some judges are politicized.

The armed forces are under the control of the Minister of Defense. Four separate police forces report to different ministerial or local authorities. Under exceptional circumstances, the Government may call on the army to provide security in the form of guard duty in certain locations, allowing the Carabinieri (military police under the control of the Minister of Interior) and local police to perform other duties. For several years, the army supported the police in Sicily and in the province of Naples, areas with high levels of organized crime. The army left Naples at the end of 1997 and Sicily in 1998 but was redeployed to both during the year. There were a number

of credible reports that some local police and Carabinieri officers committed some abuses.

Italy has an advanced, industrialized market economy, and the standard of living is high. Small and midsized companies employ from 70 to 80 percent of the work force. Major products include machinery, textiles, apparel, transportation equipment, and food and agricultural products. The Government owns a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization is moving forward at a measured pace.

The Government generally respects the human rights of its citizens, and the law and the judiciary generally provide effective means of dealing with instances of individual abuse; however, there were problems in some areas. There were reports of police abuse of detainees; such accusations are investigated by the judiciary. Prisons continue to be overcrowded, and the pace of justice remains slow. Lengthy pretrial detention is a problem. The Government has taken steps to combat violence against women and child abuse. Societal discrimination against women and discrimination and sporadic violence against immigrants and other foreigners continue to be problems. Child labor persists in the underground economy but is investigated actively; a special Carabinieri unit in the Labor Inspectorate was created in July 1997 to augment investigative capabilities. Trafficking in women and girls to Italy for prostitution and forced labor is a growing problem. Trafficking to the country in children also is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

On May 20, Massimo D'Antona, a senior adviser to Italy's labor minister, was shot and killed outside his home in Rome. The terrorist movement known as the Red Brigades has been linked to the killing. In a 28-page document, they singled out D'Antona because he was a notably moderate negotiator with the trade unions and a man of the center-left. The document claimed that "his neo-corporatist policy shares the aims of the imperialist bourgeoisie."

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 cruel or degrading punishment; however, there were reports of isolated incidents in which police abused detainees. Amnesty International (AI), the United Nations Human Rights Commission (UNHRC), the United Nations Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assess the country's judicial and prison system. According to a report issued by AI in May, there are numerous allegations of deliberately used excessive violence against individuals detained in connection with common criminal offenses or in the course of identity checks. Allegations of mistreatment relate to the time of arrest and first 24 hours in custody and concern both citizens and foreigners, with an increasing number of women appearing as alleged victims. A high proportion of the allegations received by AI concern foreign nationals, with many from Africa, as well as Roma. In May, the United Nations Committee Against Torture examined Italy's third periodic report on its implementation of the U.N. Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment. The committee noted positive steps taken, but also noted that further action was needed, such as ending "censor checks" on correspondence addressed to international investigating bodies by prisoners and improving human rights training for military personnel. AI has made mention that, although authorities routinely investigate complaints of mistreatment in detention, some of the investigations lack thoroughness.

In December 1998, an all-party group of more than 64 Members of Parliament submitted a bill to criminalize torture, as defined in article 1 of the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and to set up a special fund for victims of acts of torture. In the same month, the association Antigone, which is a nongovernmental organization (NGO) that promotes the rights and guarantees of detainees, monitors the prison system, and works closely with the European Commission for Prevention of Torture, promoted a bill to introduce an "ombudsman for inmates." In January, Antigone created an ad hoc system to monitor the conditions of detention in prisons. A final report is expected by March 2000. The association is monitoring some ten leading cases involving allegations of mistreatment and torture that occurred during the year.

In 1998, a Somali witness who had been heard by the commission investigating human rights abuses committed during the 1992–93 U.N. peacekeeping operations

in Somalia, was arrested and charged as a suspect in the 1993 murder of Italian journalist Ilaria Alpi. In July, he was released due to lack of evidence.

Despite the construction of new prison facilities and judicial reforms that provided for alternative penalties (such as house arrest or semi-liberty for those sentenced to less than three years' imprisonment), the country's prison population of some 52,000 continued to exceed planned capacity by approximately 15 percent. The Government recognized that continued prison overcrowding contributes to poor sanitation and strains the capacity of prison medical systems. While the percentage of prisoners addicted to illegal drugs (approximately 29 percent) remained constant from 1997 to 1998, the number of HIV positive inmates dropped from 13.6 to 10 percent in that period. However, the percentage of AIDS sufferers among HIV positive groups rose from 5.8 percent to 7.6 percent. A June law decreed that, as of January 2000, responsibility for inmate health would be shifted from the Ministry of Justice to the National Health Service, whose higher standards are expected to provide better prevention and care, especially for imprisoned drug addicts and those suffering from AIDS. In a further effort to combat the negative effects of AIDS on the prison population, parliament passed a law in July prohibiting the preventive detention or imprisonment of anyone suffering from AIDS or other serious illnesses for which treatment in prison would be inadequate. Those accused or judged guilty of crimes are now to be given a form of house arrest, which may involve treatment at a hospital or other care facility. In 1998, there were 51 suicides in the country's prisons.

The Government permits the independent monitoring of prison conditions by parliamentarians, local human rights groups, the media, and other organizations.

d. *Arbitrary Arrest, Detention, or Exile.*—Detainees are allowed prompt and regular access to lawyers of their choosing (although occasional lapses in this general rule have been alleged) and to family members. If detainees are indigent, the State provides a lawyer. Within 24 hours of being detained, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances, usually in cases of organized crime figures, where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. The U.N. Human Rights Committee, the treaty monitoring body for the International Covenant on Civil and Political Rights (ICCPR), recommended that this 5-day period be reduced and that all detainees have access to legal advice immediately upon arrest. Notwithstanding the procedural rules and protections that exist, abuses can occur. In March, the Justice Minister apologized to an illiterate Somali woman, Abade Khalil Mudhir (also known as Sharifa), who was arrested in Milan in May 1998 and accused of trafficking children (two minors were traveling with her), deprived of her children, and kept in prison until December 1998. She was released when evidence was found proving her innocence.

Preventive detention can be imposed only as a last resort, or if there is clear and convincing evidence of a serious offense, such as crimes involving the Mafia, or those related to drugs, arms, or subversion. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody can be imposed only for crimes punishable by a maximum sentence of not less than 4 years.

Magistrates' interrogations of persons in custody must be recorded on audio tape or video tape to be admissible in judicial proceedings. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court.

There is no provision for bail, but judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial and rule whether continued detention is warranted. However, in view of the three-level court system (see Section 1.e.), those persons in preventive detention do not include just those awaiting trial; many such detainees are awaiting the outcome of a first or second appeal. The Constitution and the law provide for restitution in cases of unjust detention.

The law prohibits punishment by internal exile or exile abroad.

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

There are three levels of courts, the lowest of which used to consist of three subdivisions: the Praetor Court (offenses punishable by monetary fines or less than 4

years' imprisonment), the Court of Assizes (offenses punishable by more than 24 years' imprisonment), and the Tribunal Court (offenses that fall between the jurisdiction of the Praetor and Assizes Courts). The second level involves two appeals courts, one for civil cases and one for penal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to correct application of the law, not issues of facts. A law approved in 1998 provided for merging the Praetor and Assizes Courts, decriminalizing certain provisions in existing law, and other reforms to restructure and expedite the judicial process. The measure's civil provisions were implemented in June; changes in criminal proceedings were to take force on January 2, 2000.

The law provides for trials to be fair and public, and the authorities observe these provisions. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All government-held evidence is normally made available to defendants and their attorneys. Defendants can appeal verdicts to the highest appellate court.

Cumbersome procedures slow the pace of justice. The National Statistical Institute (ISTAT) reported that the average duration of lower court trials (civil cases) was 3 years and 4 months. The length of trials varies by region; those in the north are shorter than those in the south. A 1998 UNHRC report noted that provisions of the ICCPR concerning promptness of trials were not always respected, citing the case of 10 police officers charged in 1990 in connection with the 1985 death of a man following severe mistreatment in a police station. Since 1990 the case has been tried, appealed, and retried several times. In 1997 the Court of Cassation ordered another retrial, and the case is still open. In July, the European Court of Human Rights again criticized Italy for four cases of lengthy civil trials lasting from 5 to 13 years. Italy had to pay defendants' expenses and damages. However, in the same month the Council of Europe decided to postpone decisions concerning the status of the judiciary, following the Justice Minister's request to give the ongoing restructuring process time to adjust.

Since 1991 public prosecutors have conducted sweeping investigations of corruption among the political and economic elites, and in the judiciary. However, critics complain that some investigating magistrates are influenced by political or other interests in choosing targets of inquiry, or fail to show adequate respect for the rights of suspects. Those making these charges point to judicial processes brought against former Prime Ministers Giulio Andreotti and Silvio Berlusconi. Two separate trials, in which prosecutors relied heavily on testimony by Mafia witnesses ("pentiti") ended in acquittals for Andreotti. Further charges by prosecutors who had previously brought cases against Berlusconi for tax fraud, corruption, and "cooking the books" of his various enterprises drew an angry retort, as Berlusconi accused them of being "the armed wing of the left." The July 1998 UNHRC report noted that lengthy preventive detention (which in certain serious offenses is permitted for up to 2 years) may constitute a violation of the right to a presumption of innocence and the principle of a prompt and fair trial. However, an April 1998 decision of the European Court of Human Rights ruled that the 31-month preventive detention of a person accused of collusion with an organized crime organization was lawful.

There were no reports of political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The law safeguards the privacy of the home, and the authorities respect this provision. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances. Violations are subject to legal sanctions.

Section 2. Respect for Civil Liberties, Including:

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

b. *Freedom of Peaceful Assembly and Association*.—The Government does not restrict the right of peaceful assembly, including protests against government policies, except in cases where national security or public safety is at risk. Permits are not required for meetings, but organizers of public demonstrations must notify the police in advance. Professional associations organize and operate freely. While allowing general freedom of association, the Constitution and law prohibit clandestine associations, those that pursue political aims through force, that incite racial, ethnic or religious discrimination, or that advocate fascism.

c. *Freedom of Religion*.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government subsidizes several religions through tax revenue collection. Taxpayers who choose to do so can donate a

percentage of their income tax payment to the Roman Catholic, Adventist, Waldensian, Baptist, and Lutheran churches, the Assembly of God or the Jewish community. Other religious groups, including Buddhists and Muslims, have initiated the procedures necessary to obtain this benefit.

Nontraditional religious groups are free to practice their beliefs and proselytize, provided that they respect public order and general moral standards. In August 1997 the Court of Cassation annulled a lower court decision that Scientology was not a religion, finding that the lower court was not competent to rule on what constitutes a religion. The Court of Cassation found further that the issue of whether Scientology constitutes a religion must be readdressed by another court of appeal, in accordance with criteria established by the Constitutional Court.

There is no state religion, but Roman Catholicism is the dominant one, in the sense that most citizens were born and raised under Catholic principles, which form part of their culture. Roman Catholic religious instruction is offered in public schools as an optional subject. Students who do not opt to attend can elect to take an alternative course or, in some schools, have a free class period. A 1929 agreement between the Catholic Church and Italy, which was revised in 1984, accords the Church certain privileges. For example, the Church can select Catholic religion teachers, whose earnings are paid by the State. This privilege has led to charges of unconstitutional discrimination. For example, in February a teacher of religion was fired by the Curia of Florence for being pregnant while unmarried.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation*.—The Constitution and the Law provide for these rights, and the Government respects them in practice. Citizens who leave are ensured the right to return. The Constitution forbids deprivation of citizenship for political reasons. Parliament has not yet repealed the XIII transitory provision of the 1946 constitution, which forbids male heirs of the former king, Umberto I of Savoy, from entering Italy. For this reason, on December 13 royal descendant Vittorio Emanuele IV filed a suit in the European Court of Human Rights in Strasbourg challenging the validity of this constitutional bar.

Political asylum is obtained according to the 1951 U.N. Convention Relating to the Status of Refugees. Amnesty International has noted that Italy still lacks a specific law on political asylum, but one is pending before Parliament. The immigration law passed in February 1998 levied high fines and penalties for land, air, and sea carriers that board passengers without documentation. In 1998, 7,674 persons applied for asylum, of whom 1,045 were found eligible.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations assisting refugees. It provides first asylum to refugees fleeing hostilities or natural disasters. Such refugees are granted temporary residence permits, which must be renewed periodically and do not ensure future permanent residence.

According to Caritas, an organization associated with the Catholic Church's Episcopal Commission, as of November some 24,000 immigrants "for humanitarian reasons" held a work permit. Also as of November, the number of refugees and asylum seekers (including minors) was about 7,700. In the wake of hostilities in Kosovo, Italy agreed to provide temporary protected status to as many as 10,000 Kosovars who had sought refuge in Macedonia. Italy airlifted almost 6,000 Kosovars to an inactive military base in Sicily. Most were returned home after hostilities ceased in June, while a small minority was to be resettled in other countries. In the immediate aftermath of the conflict, some 7,000 ethnic Roma entered Italy, of whom 3,500 were granted temporary protected status before the interior minister rescinded this provision. The remaining 3,500 Roma are being considered for political asylum on a case by case basis. However, additional Roma continued to arrive in southern Italy from the Balkans. In February the Government rescinded an earlier decree granting humanitarian protection to Somali immigrants.

The Commission on Foreigners in Italy estimates that hundreds of thousands of persons live in the country in irregular status. Caritas sets the number of irregular foreigners (as of December 1998) at 320,000.

After his arrival in Italy in November 1998, Kurdish Workers' Party (PKK) leader Abdullah Ocalan filed a request for political asylum. Ocalan left Italy in January, but his asylum request remained active and was processed through normal judicial channels. In October a court in Rome granted Ocalan political asylum.

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

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

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

There are no restrictions on women's participation in government and politics; however, they remain under represented. Women hold 6 of 25 cabinet positions, 24 of 325 Senate seats, and 69 of 630 seats in the Chamber of Deputies. A new association for women, EMILY Italia, was founded recently to promote increased participation of women in politics.

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

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

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

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), religion, ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status. However, societal discrimination persists to some degree.

Women.—Violence against women remains a problem. A 1998 ISTAT survey (the first one nationwide) reported that at least 9.4 million women between the ages of 14 and 59 had experienced some form of sexual violence during their lives. Media reports of violence against women are common. In its annual report on violence against women, the NGO Telefono Rosa stated that 55.5 percent of the cases reported nationally included physical violence, which is an increase of 9.5 percent over the previous 2 years. An investigation conducted by the Rome police and Telefono Rosa reported 6,522 cases of domestic violence against women in Rome in 1997.

Legislation to protect women from physical abuse, including by family members, was updated and strengthened in 1996. The revised law makes the prosecution of perpetrators of violence against women easier and shields women who have been objects of attack from publicity. The law treats spousal rape the same as any other rape. Law enforcement and judicial authorities are not reluctant to bring perpetrators of violence against women to justice, but victims sometimes do not press charges due to fear, shame, or ignorance of the law. The Telefono Rosa report noted that the entry of more women into the police force has contributed greatly to increased cooperation by female victims of violence. The Government provides a hot line through which abused women can obtain legal, medical, and other assistance. Women's associations also maintain several shelters for battered women.

In 1996 a Basilicata court convicted a 40-year-old driving instructor of raping an 18-year-old student. An appeals court upheld this conviction in March 1998. In February the Court of Cassation (which rules on questions of law, not merit) annulled the appeals court decision, ruling that since it was physically impossible to remove tight jeans from a woman without her consent, the defendant could not be convicted of "rape." The Court's ruling attracted widespread press comment and criticism. Several female Members of Parliament wore jeans to the Chamber, as a visible symbol of protest.

Telefono Rosa reported that sexual harassment in the workplace decreased in 1997 and concluded that ad hoc provisions against sexual harassment in national labor contracts worked as a deterrent in both the public and private sectors. Nevertheless, at least 728,000 women report having been victims of workplace harassment at least once in their lives; 236,000 experienced this problem in the last 3 years.

Trafficking in illegal immigrant women and girls for prostitution and forced labor is a growing problem (see Section 6.f.).

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services. Many NGO's actively and effectively promote women's rights. Most are affiliated with labor unions or political parties.

A number of government offices work to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman. In addition, there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focused on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors have limited resources with which to work.

In February, the European Union directive regulating night work for women was incorporated into the law, thus amending the 1977 law that had prohibited night shifts for women. Liberal maternity leave, introduced to benefit women, adds to the cost of employing them, with the result that employers sometimes find it advantageous to hire men instead.

According to research conducted by the CGIL Labor Institute, women's salaries are 20 percent lower than men's for comparable work. They are underrepresented in many fields, such as management and the professions. According to data released by the Minister of Interior, only 10 percent of the Ministry's work force consists of women. The National Council for Economy and Labor (CNEL) reports that in 1998, 3 percent of executives in large firms were women, a figure that rose to 5 percent in mid-size firms and 8 percent in small firms. Employed women are more likely to have a high school diploma (34.7 percent) than employed men (28.5 percent). The comparable figures for a university degree are 13.8 percent for women and 9.4 percent for men. The number of firms created by women has increased 103 percent in 12 years, for a total of 9.1 million firms. Although women's participation in the work force is increasing more rapidly than men's, unemployment figures show that women still are lagging. In 1999 male unemployment was 9.6 percent, while female unemployment was 16.8 percent. Youth unemployment (ages 15 to 24) was 30.2 percent for men (53.5 in the south) and 39.0 percent for women (66.9 in the south).

Children.—The Government demonstrates a strong commitment to children's rights and welfare. As of academic year 1999–2000, schooling is compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum may shift to vocational training at age 15. This reform is intended to reverse the middle and secondary school dropout rate, which has been high.

Abuse of children is recognized as a societal problem. Social workers counsel abused children and are authorized to take action to protect them. The NGO Telefono Azzurro maintains two toll-free hot lines for reporting incidents of child abuse. Research conducted on behalf of the Government by a private institute estimated that the number of minors involved in cases of violence (including prostitution) was 10,000 to 12,000. There were 1,880 to 2,500 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked illegal immigrants (predominantly Albanians, and some Nigerians), many of whom were forced into prostitution. An estimated 90 percent of violence against minors is committed within their own families.

In August 1998, Parliament passed a law to combat pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (see also Section 6.f.).

People With Disabilities.—The law forbids discrimination against disabled persons in employment, education, or in the provision of state services. The law requires enterprises with more than 35 employees to hire the disabled to staff 15 percent of their work force, directs that public buildings be made accessible to persons with disabilities, and stipulates a number of specific rights for the disabled. Compliance with these requirements, however, is still incomplete.

National/Racial/Ethnic Minorities.—Immigrants and other foreigners face societal discrimination. Some are subjected to physical attack. Roma encounter difficulties in finding places to reside. Sedentary Roma have more success in receiving equal treatment in the workplace and in the housing market. Nomadic Roma tend to live in camps and to have more difficulty in these areas. Based on EU figures, a local NGO estimates that there are approximately 100,000 Roma in the country (0.2 percent of the population). Data from the municipality of Rome refer to some 5,000 Roma in the city, housed in 35 camps. Neonatal mortality in Roma camps is four times higher than the national average. Immigrant Roma, predominantly from states of the former Yugoslavia, often are precluded from obtaining residence or work permits because they do not possess valid identity documents from their country of origin, and can be deported. With no legal source of income available, they often turn to begging or petty crime. The interests of Roma and other immigrants are represented by over 130 NGO's, such as Caritas; however, these have funding difficulties. In March, the United Nations Committee on the Elimination of Racial Discrimination (CERD) urged the Government to strengthen its efforts for preventing and prosecuting incidents of racial intolerance and discrimination against some foreigners and Roma, as well as of bad treatment of foreigners and Roma in detention.

According to the NGO Racism Survey, in 1997 there were 668 cases of racial discrimination, violence, and intolerance. On June 21, an angry mob attacked four Roma camps in Naples and torched their caravans after a traffic accident that involved a Roma driver and severely wounded two girls, relatives of a local organized crime boss.

Section 6. Worker Rights

a. *The Right of Association*.—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace. Some 40 percent of the workforce is organized. Trade unions are free of government controls and no longer have formal ties with political parties. The right to strike is embodied in the Constitution and is frequently exercised. A 1990 law restricts strikes affecting essential public services such as transport, sanitation, and health. Nonetheless, during a year in which the overall number of work-hours lost to labor disputes was relatively low, strikes occurred in several public service sectors, especially air and ground transportation.

Unions associate freely with international trade union organizations.

b. *The Right to Organize and Bargain Collectively*.—The Constitution provides for the right of workers to organize and bargain collectively, and these rights are respected in practice. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation. The law prohibits discrimination by employers against union members and organizers. It requires employers that have more than 15 employees and who are found guilty of antiunion discrimination to reinstate any workers affected. In firms with less than 15 workers, an employer must provide the grounds for firing a union employee in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker.

c. *Prohibition of Forced or Compulsory Labor*.—The law prohibits forced or compulsory labor, including that performed by children, and generally it does not occur; however, some illegal immigrants and children were forced into prostitution (see Section 5), and trafficking in illegal immigrant women for prostitution and forced labor, as well as trafficking in illegal immigrant children, are problems (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment*.—The law forbids the employment of children under age 15 (with some limited exceptions). There also are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18, and women under age 21. The enforcement of minimum age laws is difficult in the extensive underground economy. Estimates of the number of child laborers differ, ranging from 30,000 to 300,000 (the most probable figure may be in the area of 50,000). Most of these cases involve immigrants, but instances involving Italian children also have been reported. Illegal immigrant child laborers from Northern Africa, the Philippines, Albania, and especially China have entered in record numbers every year since 1989, and the influx from China is rising. According to the Carabinieri, an estimated 30,000 illegal Chinese work in sweatshop conditions near Florence, with many minor children working alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Many of these factories are run by an emerging Chinese mafia in Italy, and are equipped with escape tunnels to thwart labor inspectors.

Following the U.N.-sponsored Oslo International Conference in November 1997, the Government, employers associations, and unions signed a charter in April that included: the extension of compulsory education; better enforcement of school attendance regulations; programs to reduce the number of school dropouts; more prompt assistance to families in financial difficulty; further restrictions on exceptions to the minimum age law; and cancellation of all economic or administrative incentives for companies found to make use of child labor, including abroad. The Prime Minister's office provided a toll-free telephone number to report incidents of child labor. The footwear and textile industries have established a code of conduct that prohibits the use of child labor in their international as well as national activities, applicable to subcontractors as well. For the first time, a child labor clause was attached to the national labor contract in the health sector, whereby the parties committed themselves not to use surgical tools produced by child labor. The law forbids forced or bonded labor involving children, and the Government generally enforces this prohibition effectively; however, some illegal immigrant children were forced into prostitution (see Sections 5 and 6.c.), and some of them were trafficked (see Section 6.f.).

e. *Acceptable Conditions of Work*.—Minimum wages are not set by law, but rather by collective bargaining agreements. These specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may step in to determine fair wages on the basis of practice in comparable activities or agreements.

A 1997 law reduced the legal workweek from 48 hours to 40. Most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek is 39 hours but is actually less in many industries. Overtime work may not exceed 2 hours per day or an average of 12 hours per week.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. For most practical purposes, European Union directives on health and safety also have been incorporated into the law. Labor inspectors are from the public health service or from the Ministry of Labor. They are few in number, given the scope of their responsibilities. Courts impose fines and sometimes prison terms for violation of health and safety laws. In 1998 some 60 percent of Rome construction sites were cited for safety violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. *Trafficking in Persons.*—Trafficking in women and girls for prostitution and forced labor to Italy is a growing problem. With few exceptions, this crime is perpetrated on vulnerable, illegal immigrants. The women and girls, usually from Albania, Nigeria, and Eastern Europe, are reluctant to contact the police for assistance. According to a 1997 Caritas report, the number of foreign women involved in prostitution then was around 25,000, a figure that has increased due to developments in Kosovo. According to the Ministry of Equal Opportunity, the number of foreign women estimated to be involved in prostitution varies between 30,000 and 35,000. Of these, Parsec (a social research institution) estimates that 1,000 to 1,500 were trafficked forcibly. In December 1997, police broke up a Milan ring that was holding auctions in which women abducted from the countries of the former Soviet Union were put on blocks, partially naked, and sold at an average price of just under $1,000.

A February 1998 immigration law provided women involved in prostitution with an avenue of escape by granting temporary residence/work permits to those who turn in their exploiters. However, regulations implementing this law were not finalized until the summer. The legislation permits a temporary stay for victimized women. During this time, victims are provided with shelter, benefits, and services such as counseling and medical assistance, in cooperation with NGO's. They also may be permitted to work or study. If the victim agrees to cooperate with law enforcement and judicial authorities, the residence permit and services are extended for the length of the criminal proceedings. As a result of these and related policies, significant increases in witness testimony and successful prosecution of traffickers have been reported.

In August 1998, a law was passed to combat abuses against children, including trafficking in children.

KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution, adopted in 1995 in a referendum marred by irregularities, permits the President to legislate by decree and dominate the legislature and judiciary; it cannot be changed or amended without the President's consent. In January President Nazarbayev was elected to a new 7-year term in an election that fell far short of international standards. Previous presidential elections originally scheduled for 1996 did not take place, as President Nazarbayev's term in office was extended in a separate 1995 referendum, also marred by irregularities. Parliamentary elections held in October were an improvement on the presidential election but still fell short of international standards. Under the 1995 Constitution, Parliament's powers are more limited than previously. However, Members of Parliament (M.P.'s) have the right to introduce legislation and some bills introduced by M.P.'s have become laws. The judiciary remained under the control of the President and the executive branch. The lack of an independent judiciary made it difficult to root out corruption, which was pervasive throughout the Government.

The Committee for National Security (the KNB, successor to the KGB) is responsible for national security, law enforcement activities on the national level, and counterintelligence. It also oversees the external intelligence service, Barlau. The KNB reports directly to the President. A new organization, the Agency on the Protection of State Secrets was established in May and, while not officially part of the Government, reportedly is directly subordinate to the Prime Minister. The Ministry of Internal Affairs, which is subordinate to the KNB, supervises the criminal police, who are poorly paid and widely believed to be corrupt. Both the KNB and the Interior Ministry Police (MVD) monitored Government opponents, the opposition press, human rights activists, and some nongovernmental organizations (NGO's), who claimed that KNB and MVD officials pressured them to limit activities objectionable to the Government. The KNB continued efforts to improve its public image by focus-

ing on fighting Government corruption, religious extremism, terrorism, and organized crime. Members of the security forces committed human rights abuses.

Kazakhstan is rich in natural resources, chiefly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence. After 2 consecutive years of economic growth (1.1 percent in 1996 and 1.5 percent in 1997) the economy declined by 2.5 percent in 1998. The Government responded to the effects of the Russian financial crisis by floating the tenge in April, effectively devaluing it 60 percent by October. With the fall of the tenge, inflation reached 12.6 percent for the first 8 months of the year, compared with 1.9 percent for the same period in 1998. The average annual wage was approximately $1,000 (down from $1,500 in 1998). The agricultural sector has been slow to privatize. The Government has privatized successfully small- and medium-sized firms and most large-scale industrial complexes. However, living standards for the majority of the population continue to decline. According to several surveys, in 1998 approximately 35 percent of citizens lived below the government-defined poverty line of $35 per month, up from 33 percent the previous year.

The Government's human rights record was poor, and serious problems remain in several areas. The Government severely limited citizens' right to change their government. The Government barred two opposition politicians from competing in the January presidential elections on administrative grounds and harassed opposition candidates in the fall parliamentary elections. Democratic institutions remain weak. The Organization for Security and Cooperation in Europe (OSCE) declined to send observers for the Presidential elections, citing flawed election preparations. The OSCE sent a full observation mission for the parliamentary elections after the Government made some reforms to its electoral law and regulations, but concluded that the elections fell short of the Government's commitments as an OSCE member. In both elections, the Government used an electoral law provision to prohibit some government opponents from running because they previously had been found guilty of political offenses such as publicly insulting the President and participating in unauthorized public meetings and demonstrations. The Government harassed its opponents and appeared complicit in at least four assaults on perceived opponents during the presidential campaign. There were reports of official bias and harassment, but not of violence, during the parliamentary campaign.

The legal structure, including the Constitution adopted in 1995, does not fully safeguard human rights. Members of the security forces committed a number of extrajudicial killings, and tortured, beat, or otherwise abused detainees. Prison conditions remained harsh. The Government used arbitrary arrest and detention, particularly during the period prior to the January presidential election, and prolonged detention is a problem. The judiciary remains under the control of the President and the executive branch, and corruption is deeply rooted. A political prisoner, Labor Movement leader Madel Ismailov, was released in February after serving 1 year in prison for insulting the President. He attempted to run for Parliament in October but under an April 1998 provision of the election law was disqualified because of his conviction. The Government infringed on citizens' privacy rights.

The Government restricted freedom of speech and of the press. A July press law placed media issues under the direct control of the Minister of Information and Social Accord. The Government harassed much of the opposition media, and government efforts to restrain the independent media continued, as some opposition newspapers and other media outlets were ordered to close, forced to sell to progovernment interests, or brought under pressure by regulatory authorities. The Government reportedly pressured media not to cover the opposition during the presidential campaign, and, to a lesser extent, during the parliamentary campaign. Vague new state secret and media laws, as well as a similarly vague 1998 national security law, increased pressure on the media to practice self-censorship. The Government continues to own and control printing and distribution facilities and to subsidize publications. Academic freedom is not respected. The Government imposes significant restrictions on freedom of assembly. Some organizers of unsanctioned demonstrations were arrested and fined or imprisoned. The Government imposes significant restrictions on freedom of association, and complicated and controversial registration requirements hindered organizations and political parties. The Government sometimes harasses those it regards as religious extremists. Domestic violence against women remained a problem. There was discrimination against women, the disabled, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Workers continued to protest chronic nonpayment of wages. Child labor persists in agricultural areas. There was anecdotal evidence of trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

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

According to press reports, a criminal case was brought against a police sergeant in Makhtaaralsk (Shymkent oblast) for the beating death of 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. At year's end, reportedly four police officers were awaiting trial charged with responsibility for his death.

Reports indicate that deaths caused by military hazing persist, and there is no indication that the numbers of deaths declined during the year. However, there are some reports that military personnel engaging in hazing have been prosecuted.

There has been no government action in the 1998 death by beating of Yalkynzhan Yakupov whose body was found hanging in the Chunja District police station. There have been no arrests or known government investigation in the case of a young man killed while in detention in Almaty in January 1997.

In 1998, 1,290 inmates, more than 1 percent of all prisoners, died from disease, mostly tuberculosis, aggravated by harsh prison conditions and inadequate medical treatment (see Section 1.c.). No figures for deaths in prison were available for 1999.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution states that "no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;" however, police tortured, beat, and otherwise abused detainees sometimes in order to obtain confessions, and beat protesters. In May and August, the Government publicly acknowledged and criticized police use of torture. In the first half of the year, prosecutors brought 20 criminal cases against police officers for physically abusing detainees, but human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees. Human rights observers report that detainees sometimes are choked, handcuffed to radiators, or have plastic bags placed over their heads to force them to divulge information. Training standards and pay for police are very low and individual law enforcement officials often are supervised poorly.

Members of an Islamic group from Taraz alleged that the authorities beat 70 group members, including 12 minors, who were detained for participation in a private religious retreat in July. The beatings reportedly left one minor with a broken nose and an adult detainee with broken ribs (see Section 2.c.). In April police in Aralsk reportedly beat a group of female hunger strikers who were blocking a railway line to protest nonpayment for 3 years of family social benefits. Three were hospitalized as a result of the beatings which were reported in the media on April 21–22. On November 28, in Almaty, two unidentified men assaulted opposition activist Andrei Grishin, who published a newspaper article critical of a new museum dedicated to President Nazarbayev shortly before the incident. The attack apparently was politically motivated. Law enforcement authorities and anonymous telephone callers reportedly warned Grishin several times before the assault to stop his political activities. The assailants, who reportedly told Grishin that he deserved the attack, cut off Grishin's hair, doused him with oil paint, and left him unconscious. They did not rob him. No arrests were made in the case by year's end. Opposition activist Aleksei Martinov was detained on suspicion of theft of computer parts and was hospitalized on December 12 after suffering head injuries from a beating he received while in police detention in Almaty. Martinov filed a complaint alleging that the police beat him and was released following his hospitalization.

During the campaign prior to the January 10 presidential election, several perceived government opponents were assaulted. The attacks appeared to be politically motivated and, in at least some cases, sanctioned by the Government (see Section 3). The authorities made no arrests. There were no reports of such attacks prior to the autumn parliamentary elections.

Army personnel subjected conscripts to brutal hazing, including beatings and verbal abuse. The Deputy Chief of the General Staff reported 17 cases of death due to mistreatment as of mid-1998, a 50 percent decline over the same period in 1997. Reportedly the Government has taken action occasionally against officials charged with abuses, levying administrative sanctions such as fines for those found guilty. The Army launched an aggressive campaign to punish violators of a new antihazing policy in 1998, but at year's end anecdotal accounts suggested that hazing had worsened, and there were no official reports on the problem.

There were claims that authorities committed persons to mental institutions for political purposes. In May a professor at the Eurasian University in Astana, Armial

Tasymbekov, was committed to a mental hospital for public drunkenness. He claimed that his incarceration was motivated politically because KNB officials interrogated him shortly before his incarceration on the suspicion that he incited his students to criticize the President in leaflets and graffiti. Tasymbekov was released later in May and died in August.

Prison conditions remained harsh due to inadequate resources. According to the Interior Ministry during the year there were approximately 85,000 prisoners in facilities designed to hold 60,000. Local human rights observers agreed with these figures. On February 26, prisoners at a prison in Atyrau reportedly protested mistreatment by cutting open their stomachs; however, none died. Press reports in March indicated that five teenagers in a juvenile detention facility in Almaty cut open their veins to draw attention to harsh treatment.

Overcrowding, inadequate prison diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Human rights observers reported that 14,000 prisoners, or about 16 percent of all prisoners, suffered from tuberculosis. These figures do not differ significantly from official figures. In September 1998, the official Russian-language newspaper reported that 12,600 prisoners suffered from tuberculosis. A human rights NGO reported that the total number of tuberculosis cases declined by 30 percent during the year as a consequence of improved treatment, humanitarian aid, and amnesties. In 1997 the Government also acknowledged that AIDS is becoming a concern. Prison guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common.

In July the Government passed the first amnesty law since 1996. It applied to nonviolent offenders who committed crimes as juveniles, had certain kinds of veteran's status, were seriously ill, or had specified family responsibilities. According to parliamentary sources, the objective of the law was to release over 21,000 prisoners within 6 months of its passage. However, Interior Ministry sources said that only about 15,000 prisoners actually would receive amnesty. The law also was intended to clear the convictions of approximately 22,000 persons who received suspended sentences and to reduce the sentences of approximately 7,700 inmates. By year's end, the Interior Ministry reported that over 15,000 prisoners were released under the amnesty law, 2,100 of whom suffered from tuberculosis.

Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months. Juveniles are kept in separate facilities.

Human rights monitors wishing to visit prisons must receive authorization from the MVD (Interior Ministry). The Government cooperated with the OSCE in a program to improve prison conditions. Although the Government sometimes created obstacles for those who requested access to prisons, the local NGO International Bureau for Human Rights (IBHR) reported that its representatives regularly received authorization. The IBHR visited men's prisons in addition to women's and juveniles' prisons during the year. Two international NGO's, the Dutch Interchurch Aid and Penal Reform International (PRI), accompanied IBHR on prison visits in Pavlodar during the year. PRI also visited prisons for juveniles and women in Almaty.

d. *Arbitrary Arrest, Detention, or Exile.*—The Government used minor infractions of the law, frequently related to unsanctioned assembly, or manufactured charges to arrest and detain government opponents arbitrarily, in particular during the period prior to the presidential election in January. Under the election law, convictions on such charges allowed the Government to exclude government opponents from running for president or other public office (see Section 3). In October 1998, less than a week after the Government called for early presidential elections, an Almaty court summoned five leading government opponents with less than 24-hour notice on charges of participating in a meeting of an unregistered organization called For Fair Elections. All five—Akezhan Kazhegeldin, Dos Kushim, Irina Savostina, Petr Svoik, and Mels Yeleusizov—were convicted. Svoik and Yeleusizov served 3-day jail sentences. The others paid fines. In May a court in Kostenai fined Communist Party and Pokoleniye (Generation) Pensioners Movement activist Vladimir Chernyshev for participating in an unsanctioned rally. He and a group of pensioners had gathered at a monument to Lenin to commemorate Lenin's birthday (see Section 3). In September at the request of the Prosecutor General, authorities in Russia detained Kazhegeldin, the leader of the opposition Republican People's Party (RNPK), in connection with a corruption investigation. Following protests from international human rights groups and Kazakhstani opposition figures, the Prosecutor General dropped his extradition request, and the Russian authorities released Kazhegeldin (see Section 3). On December 9, the KNB detained three individuals, RNPK members, who worked as bodyguards for Kazhegeldin on charges of possession of illegal weapons and narcotics. At year's end, two of the three, Pyotr Afanasenko and

Satzhan Ibrayev, remained in custody but had not been charged. The third bodyguard, Vladimir Ruchkin, was released after 4 days in detention. All three were former KNB employees who had first served as Kazhegeldin's bodyguards when Kazhegeldin was Prime Minister. Human Rights and opposition figures alleged that the detentions were politically motivated. The Government also arbitrarily arrested, detained, fined, and sometimes imprisoned demonstrators (see Section 2.b.).

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for up to 12 months with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention is a serious problem. The General Prosecutor's office acknowledged that law enforcement authorities kept more than 7,000 persons in custody longer than legally allowed in 1998. Additionally, short (3-hour) and long (72-hour) detentions for "suspicion" are used widely.

A bail system exists, but, according to the General Prosecutor's Office, only 28 out of the 26,598 persons detained in the first 8 months of the year were released on bail.

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. This right generally is respected in practice. Human rights activists allege that members of the security forces have pressured prisoners to refuse the assistance of an attorney, sometimes resulting in a delay before the accused sees a lawyer. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Detainees also may appeal the legality of detention or arrest to the prosecutor before trial, but in practice most persons refrain from making an appeal due to fear that they may be punished for doing so. If the defendant cannot afford an attorney, the Constitution provides that the State must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. Although some lawyers are reluctant to defend clients unpopular with the Government, there were no reports of attorneys being sanctioned by the Government for their decisions to defend particular clients.

The Constitution prohibits forced exile, and the Government does not use it.

e. *Denial of Fair Public Trial.*—Government interference and pressure compromised the court system's independence throughout the year—a situation codified in the Constitution's establishment of a judiciary fully under the control of the President and the executive branch.

There are three levels in the court system: local; oblast (provincial); and the Supreme Court. According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. (Nominees are recommended by the Supreme Judicial Council, a body that the President chaired until March. Under constitutional amendments passed in 1998, a presidential appointee replaced the President as chairperson. Commission members also include the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, senators, judges, and other persons appointed by the President). The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list is based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Majilis), judges, public prosecutors, and others appointed by the President.

According to legislation passed in December 1996, judges are appointed for life, although in practice this means until mandatory retirement at age 65. The 1995 Constitution abolished the Constitutional Court and established a Constitutional Council. The President directly appoints three of its seven members, including the chairman. The Council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. Under the Constitution, citizens no longer have the right to appeal directly to a court about the constitutionality of a government action; this appeal is now the sole prerogative of the courts. The Constitution states that "if a court finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen, it shall suspend legal proceedings and address the Constitutional Council with a proposal to declare the law unconstitutional." However, it does not grant citizens the right to approach the courts on a constitutional issue.

Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts are organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There is also a military court. Although they do not currently exist, specialized and extraordinary courts also can be created—for example, economic, taxation, family, juvenile, and administrative courts—which would have the status of oblast and local courts.

The Constitution and the law establish the necessary procedures for a fair trial. Trials are public, with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen must be protected.

According to the Constitution, defendants have the right to be present, the right to counsel (at public expense if needed), and the right to be heard in court and call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are to be conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area.

In most cases, these rights are respected. However, cases involving government opponents frequently are closed. Courthouse guards did not allow the public to observe the 1998 trial of five government opponents on charges of attending a meeting of an unregistered organization (see Section 1.d.). The 1998 trial of Labor Movement leader Madel Ismailov for insulting the honor and dignity of the President was closed to the public and press.

The problem of corruption is evident at every stage and level of the judicial process. Judges are poorly paid; the Government has not made a vigorous effort to root out corruption in the judiciary. According to press reports, judicial positions can be purchased. Anecdotal evidence stemming from individual cases suggests that judges solicit bribes from participants in trials and rule accordingly.

In May 1996, the Government instituted a procedure that required recertification of all judges. Completed in 1998, the process was intended to ensure that judges are familiar with current law. The recertification resulted in a significant turnover of personnel, particularly at the lower levels. Although the recertification process addressed a legitimate need to improve judicial competence, it was used in some cases by local governments to remove individual judges for political reasons. In March the rector of the State Judicial University alleged that 40 percent of sitting judges were recertified only because they received copies of the recertification exam prior to taking it. There was no official response to this accusation.

The new Criminal Code took effect in 1998. Although human rights organizations considered the new criminal code a step forward, they raised a number of concerns regarding the code's effect on individual political and civic rights. The new code extends the maximum term of imprisonment from 15 to 30 years and gives judges and law enforcement officials more flexibility in determining appropriate charges. Previously, after a certain number of civil code violations, a defendant automatically would be charged with a criminal offense. The new code also eliminated a number of legal holdovers from the Soviet period, including public condemnation as a punishment, enforcement of restrictive passport regulations, and prosecution for vagrancy or a parasitic way of life.

The Government held one political prisoner who was released in February upon completion of his 1-year sentence. In 1998 an Almaty district court sentenced Labor Movement leader Madel Ismailov for insulting the honor and dignity of President Nazarbayev, a constitutional offense, during a November 1997 political rally in Almaty. Ismailov reportedly called President Nazarbayev "a scoundrel." Ismailov was convicted of the most serious form of insulting—using the mass media to insult the honor and dignity of the President—because an independent television station had recorded Ismailov's offending remark. Ismailov, a resident of Almaty, served his sentence in a prison in the north Kazakhstan oblast. In an appeal to the General Prosecutor, lawyers for Ismailov contended that his imprisonment in the north Kazakhstan oblast violated the Criminal Executive Code, which stipulates that "Persons sentenced to imprisonment should serve out their terms in prisons located on the territory of the oblast where they lived before their arrest or where they were sentenced." The General Prosecutor took no action on the appeal prior to Ismailov's release. Ismailov attempted to register as a candidate for the October parliamentary elections, but was barred under amendments made to the election decree in April 1998 because of his criminal conviction (see Section 3).

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Despite constitutional protections, the Government infringed on these rights. The Constitution provides that citizens have the right to "confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages." Limitation of this right is allowed "only in cases and according to procedures directly established by law." However, the KNB and Ministry of Internal Affairs, with the concurrence of the General Prosecutor's office, can and do interfere arbitrarily with privacy, family, home, and correspondence. The law requires the police, who remain part of the internal security structure, to obtain a search warrant from a prosecutor before conducting a search, but they sometimes search without a warrant. The KNB has the right to monitor telephone calls and mail, but under the law it must inform the General Prosecutor's office within 24 hours of such activity. Some human rights observers complained that the Government monitored their movements and telephone calls (see Section 4). A foreign NGO working to promote democracy alleged that someone apparently tampered with its e-mail in November. Also in November, opposition figures alleged that the Government temporarily closed off direct access through local Internet service providers to the Eurasia web site, which featured material critical of the Government. However, they provided no evidence. On November 25, the Prime Minister signed an order creating a single, state-run billing center for all telecommunications services. Although the order called for the center to open on January 1, 2000, it did not appear at year's end that the center would be ready before the deadline. The Government presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly. NGO's, opposition figures, and other private citizens expressed concerns that the Government would use the center to enhance its monitoring of telecommunications traffic and to control the availability of information on the Internet. Government officials denied that this was their intent.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution and the July press and media law provide for freedom of speech and of the press; however, the Government restricted these rights in practice. The new media law places media issues under the control of the Minister of Information and Social Accord, and the Government closed or otherwise harassed much of the independent media. Many journalists practiced self-censorship. A vaguely written law on national security passed in 1998 gave the Prosecutor General the authority to suspend the activity of news media that undermine national security.

The new media law reaffirms the constitutional provision for free speech and prohibits censorship; however, the law's vague language gives the Government broad discretion to restrict media freedom and thereby promotes media self-censorship. For example the law prohibits the mass media from "undermining state security" or advocating "class, social, race, national, or religious superiority" or "a cult of cruelty and violence." Under the law, owners, editors, distributors, and journalists can be held responsible for violations. The law also requires all media to register with the Government, but it does not set forth an appeals process if registration is denied.

During the January campaign presidential election, many members of the independent media reported government pressure not to cover opposition candidates. Newspapers that tried to cover the opposition had their print runs seized or delayed, or their access to printing houses denied. Most media outlets were allowed to cover the full range of candidates in the October parliamentary elections, but local officials frequently pressured them to limit coverage of the opposition.

The Government continued to own and control most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. The potential for government control and the widespread belief that the Government was cracking down on independent media resulted in widespread media self-censorship. The key subject considered "off limits" by journalists was personal criticism of the President and his family. In November after television news programs from Russia began reporting that Swiss authorities froze bank accounts allegedly belonging to the President, the Government blocked retransmission of Russian television stations for several days. However, The Globe, a small-circulation Russian-English bilingual newspaper based in Almaty, published a story about the Swiss bank accounts with no apparent repercussions. The press generally was permitted to criticize government decisions, official corruption, and the powerlessness of the Parliament.

The authorities frequently pressured two avowed opposition newspapers, Twenty-First Century (XXI Vek) and Soldat (formerly Dat). Issues of these newspapers sometimes were seized from street vendors. Printing houses, sometimes acknowl-

edging government pressure, frequently declined to publish the newspapers. In September, 3 weeks before the parliamentary elections, a local Almaty court froze the bank account of Twenty-First Century, leaving it unable to pay its vendors and employees. The court action was based on a lawsuit brought by a company reportedly controlled by a son-in-law of President Nazarbayev. Twenty-First Century lost the lawsuit in November, and at year's end had not paid the judgment.

The Government closed Dat, then the only Kazakh-language opposition newspaper, in 1998. The newspaper reappeared early in the year in two new versions, one of which, Soldat, clearly identified itself as an opposition newspaper. Kazakhstani printing houses, reportedly under pressure from the authorities, refused to publish Soldat. In September two issues of Soldat published in Russia were seized by the customs police who reportedly claimed that the newspaper needed to pay additional fees and produce health certificates attesting that the imported newspapers were free of tuberculosis. The authorities ultimately released the newspapers after they were outdated, and Soldat continues to publish.

In Semipalatinsk the tax police harassed the Irtysh newspaper, which regularly included in its own print run an insert from the Fahrenheit 451 opposition newspaper. Fahrenheit 451 was unable to publish on its own because the authorities denied it access to state publishing houses and pressured the few private ones to refuse to do so as well. Fahrenheit 451 stopped appearing 1 month before the October parliamentary election.

The independent newspaper Nachnyem S'ponedelnika, which specializes in investigative stories about government corruption, was on the verge of closure at year's end due to defamation lawsuits and government harassment.

After suffering harassment during 1998, including threats of death and violence directed against staff members, the newspaper Center lost many of its advertisers and ceased publication at the end of 1998. The Government took no apparent action following the assault on Dec 8, 1998 against a visiting German journalist that was regarded as possibly politically motivated. Criminal charges were brought in October 1998 against Petr Svoik for his newspaper article about relations between ethnic Russians and Kazakhs. The case was "suspended indefinitely," but has never been dismissed officially.

The Communist Party's national newspaper, which was closed by the Government in 1997, has not been permitted to resume publication.

About 80 percent of newspapers are subject to direct government control. The Government runs the newspapers that appear most frequently, five times a week. There are also a large number of newspapers that are produced by government ministries, for example, Kazakhstan Science, which is published by the Ministry of Science. Many newspapers receive a government subsidy, including about 90 percent of Kazakh-language newspapers, although most of these would call themselves independents. Therefore, including newspapers that receive subsidies, about 80 percent of newspapers are government-influenced. Each major population center has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

According to credible observers in the independent press and human rights community, the Government and its proxies continued to consolidate media ownership. One of President Nazarbayev's sons-in-law, Rakhat Aliyev, and his associates reportedly gained control of the Karavan media group, which includes the largest nongovernment newspaper in the country, Karavan, as well as KTK television and radio, and the Franklin Press publishing house. Aliyev is the senior KNB official in Almaty oblast. The Karavan group reportedly had changed hands several times since June 1998, when, according to credible media and human rights observers, the tax authorities coerced the owners of the independent Karavan media group into selling the group to business interests closely associated with the President. Aliyev was the head of the tax police at the time. In late August, it was reported that the KTK purchased NTK television and was preparing to reorganize the two into one company. The two stations continued broadcasting separately, but NTK ended its nightly news program in December.

Newspapers largely or entirely stopped attempting to print outside the country during the year. However, opposition newspapers or newspapers that encounter official disapproval as a consequence of specific stories encounter difficulty gaining access to local printing presses.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations and 13 combined television and radio stations). Eleven of these are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broad-

casters have arranged with local administrations to use the majority of these. An Association of Independent Electronic Media of Central Asia (ANESMI) exists, but it is fractured and weak.

There were no reports, as in the previous year, that the Government threatened not to renew broadcast licenses of out-of-favor independent stations. There were also no frequency auctions; many members of the independent media and human rights activists believed that the Government used the auctions in the past to harass and even eliminate independent media. The Government continued its discussion of a 50 percent Kazakh language content in broadcasting, and threats of selective enforcement of this requirement remain a problem. However, there were no reports during the year of the Government closing stations or failing to renew their licenses if they were not in conformity with the 50 percent rule, despite government threats in 1998 to do so.

There was no further action by the Prosecutor General concerning the legality of the frequencies auction in 1997. Nor was there any response from the Prime Minister to the Prosecutor's request for a ruling on the law guiding the auctions. There was no law passed on the tender procedures during the year.

During the campaign for the January presidential election, many members of the independent media reported government pressure not to cover opposition candidates. Media coverage of the campaign for the October parliamentary elections was extensive and featured all candidates. A nationally televised 2½ hour live debate on Khabar state television featured representatives of the nine registered parties that were participating in the party-list section of the vote. Despite these improvements over the presidential election, independent media around the country reported official pressure to give the majority of their parliamentary election coverage to the propresidential Otan party. They also reported that government authorities told them to limit coverage and to focus on negative news about the RNPK and Azamat opposition parties, as well as the Orleu opposition movement. Some television editors claimed that they were told categorically not to cover certain opposition candidates. Azamat claimed that state television and radio denied its candidates the free air time normally available to all candidates. An RNPK candidate, Twenty-First Century newspaper editor Bigeldy Gabdullin, charged correctly that his free broadcast was not shown in his home constituency of Talgar.

The Constitution provides for the protection of the dignity of the President and the law against insulting the President and other officials remained on the books. Labor Movement leader Madel Ismailov served 1 year in prison for violating the law (see Section 1.e.). Several laws control advertising in the mass media. One law restricts alcohol and tobacco advertising on television. The new media law prohibited violence and all "pornography" from television broadcasts. Another law restricts advertising in each issue of a newspaper to 20 percent of the total material. The Minister of Justice and the Minister of Information have interpreted this law as restricting paid articles, but not commercial advertisements.

A new law on state secrets entered into force in March. It criminalized the unauthorized disclosure of a wide range of information, much of which was vaguely defined and left to the interpretation of government authorities. The list of state secrets enumerated in the law included all information about the health and private life of the President and his family. Also defined as state secrets were basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

In December the Government announced that beginning in 2000, the Billing and Telecommunications Tariff Center would restrict Internet access to government service providers (see Section 1.f.).

Academic freedom is circumscribed. As is the case for journalists, academics cannot violate certain taboos, such as criticizing the President and his family. There were widespread credible reports that universities and schools coerced faculty, students, and the parents of schoolchildren to sign nominating petitions for the reelection campaign of President Nazarbayev. There were similar widespread reports that educational administrators also coerced faculty into joining the propresidential Otan party. During the campaign for the presidential election in January, the Al-Farabi national university in Almaty forced Yelena Nikitenko, an adviser to opposition presidential candidate Akezhan Kazhegeldin, to resign from the faculty because of her outside political activities (see Section 3). In May a professor at the Eurasian University in Astana, Armial Tasymbekov, was committed to a mental hospital for public drunkenness. He claimed that his incarceration was motivated politically because KNB officials interrogated him shortly before his incarceration on the suspicion that he incited his students to criticize the President in leaflets and graffiti. Tasymbekov was released later in May and died in August (see Section 1.c.). Course

topics and content generally are subject to approval by the university administration.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions. The 1998 law on national security defined as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

According to the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits. However, human rights activists complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They reported that local authorities, especially those outside of the capital, turned down the majority of applications submitted or refused to allow rallies to take place in central locations. An April 1998 amendment to the election decree that bars candidates for public office who have been convicted within the preceding year of administrative offenses was used against leading government opponents who participated in unsanctioned meetings and demonstrations (see Section 3).

There were numerous peaceful, unsanctioned demonstrations by workers and pensioners protesting difficult economic conditions and the nonpayment of wages and pensions. For the most part, law enforcement authorities did not interfere in the demonstrations, and no action was taken against the individuals who participated. However, pensioners were arrested occasionally at the peaceful, monthly pensioners' demonstration in front of the city hall in Almaty.

There were also cases in which the Government arrested, detained, fined, and sometimes imprisoned the participants and organizers of unsanctioned rallies. In September Almaty police arrested about a dozen persons who gathered in front of the Russian embassy to protest the detention in Moscow of opposition leader Akezhan Kazhegeldin (see Section 3). Two of the protesters were sentenced to 10 and 5 days in jail; the rest were fined or received warnings. In May a court in Kostenai fined Communist Party and Pokoleniye Pensioners Movement activist Vladimir Chernyshev for participating in an unsanctioned rally. Chernyshev gathered with a group of pensioners to lay flowers at a monument to Lenin on Lenin's birthday (see Sections 1.d. and 3). In April police in Aralsk reportedly beat a group of female hunger strikers who were protesting nonpayment for 3 years of family social benefits; the women were blocking a railway line. Three were hospitalized as a result of the beatings.

The authorities regularly blocked access to conference halls rented by opposition political parties, candidates, and related groups. A meeting of political opposition groups was disrupted on October 27 when participants could not gain access to the auditorium that they rented at the Academy of Sciences in Almaty. The activists organized the meeting to protest alleged government manipulation of the October parliamentary elections and to establish a new unified opposition front, the Forum of Democratic Forces. The group succeeded in holding its meeting after moving participants to one of three other locations that it rented secretly in anticipation of blocked access to its announced meeting place. On April 10, the new opposition movement Orleu (Progress) could not gain access to the labor union hall that it rented for its founding congress in Almaty. Firemen sealed the hall a day earlier because of purported building code violations. There were credible allegations that the office of the mayor of Almaty instigated the fire department action for political reasons.

Madel Ismailov, convicted in September 1997 of "active participation in or organization of public disorder" and sentenced to 1 year of "corrective labor," lost both of his appeals against the judgment. However, as he was in prison for a year after a conviction for insulting the President and had no salary during that period, the corrective labor penalty (which means that a portion of salary is garnished) was not imposed.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must register annually with the Government. Registration on the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition a registration fee is required, which many groups consider a deterrent to registration.

Many groups had difficulties trying to register with local officials. The new association called For Fair Elections was registered on March 1, more than 5 months after filing its registration application. The law requires the Ministry of Justice to

act on registration applications within 15 days of filing. Five leading government opponents who participated in the group's October 1998 meeting in Almaty were convicted of participating in a meeting of an unregistered organization (see Section 3). The organization Russian Community (Russkaia Obshchina) demonstrated in August to protest authorities' 2-year denial of national registration, which rendered its members ineligible to serve as observers at polling stations. The Government subsequently registered the organization, permitting it to observe the parliamentary elections.

The Constitution prohibits political parties established on a religious basis. The Government has refused to register ethnic-based political parties on the grounds that their activities could spark ethnic violence. The Constitution bans "public associations"—including political parties—whose "goals or actions are directed at a violent change of the constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." Nonetheless, unregistered parties and movements hold meetings and publish newspapers. All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government registered 10 parties to participate in the parliamentary elections in October, including several associated with government opponents. Under current law, a party must submit a list of at least 3,000 members from a minimum of 7 oblasts and the cities of Almaty and Astana. The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, submitting such personal data to the Government is reminiscent of the tactics of the former Soviet KGB and inhibits them from joining parties. The nationalist Alash Party and the Social Democratic Party have refused to register on the principle that they should not have to submit personal information about their members to the Government. Under the law, members of unregistered parties may run for elected office as individuals, but not as party members.

In December 1998, leading government opponents headed by former Prime Minister and disqualified presidential candidate Akezhan Kazhegeldin began efforts to form the new Republican People's Party. The group held its first congress in Moscow to avoid government harassment directed at Kazhegeldin and other members of the opposition prior to the January presidential election (see Section 3). According to conference organizers, authorities at the Moscow hotel where the congress was to have been held denied the group access to conference facilities on the eve of the meeting. Organizers said that approximately 10 other Moscow hotels subsequently refused to allow the group to use conference facilities before organizers found a suitable location. Organizers of the congress credibly alleged that Kazakhstani authorities used influence with Russian officials to try to disrupt the congress. The party was registered by the Government prior to the parliamentary elections in October and several of its members became candidates in individual races. The other candidates running against the President in the January presidential election and against government-favored candidates in the October parliamentary elections complained that local officials throughout the country refused to allow them to rent public halls for political meetings.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the various denominations worship largely without government interference; however, the Government sometimes harasses Islamic and Christian groups whose members it regards as religious extremists. The Constitution defines the country as a "secular" state. It also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." However, in general the Government does not interfere with the appointment of religious leaders or the activities of foreign religious associations.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status. Without registration religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Although religious organizations, unlike other nongovernmental entities, are entitled legally to carry out their work without government registration, in practice many local officials insist that they register. Registration requires an application submitted by at least 10 local citizens and is usually a quick and simple process. Some religious groups out of favor with the Government encounter difficulties registering in certain jurisdictions. These groups

include Jehovah's Witnesses and some Korean Protestant groups, as well as Muslim and Russian Orthodox groups independent of the Mufti or Orthodox archbishop (the national leaders of Islam and Russian Orthodoxy). Foreign missionaries require state accreditation. There were no reports that the Government prohibited the activities of any religious group whose registration application it turned down.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the state. In practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that they must list local citizens as founders in order to register their organizations.

Some foreign missionaries, whose presence is not welcomed by some Muslim and Orthodox citizens, have complained of occasional harassment by low-level government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize.

A potential deterioration in the right to religious freedom was averted at least temporarily when the Government withdrew restrictive draft amendments to the national law on religion in March. The draft changes would have imposed burdensome new registration requirements on religious organizations and otherwise tightened government control of religion. One provision would have required religious groups that seek registration to submit certification from locally elected officials that they were already active for 10 years in the jurisdiction in which they sought registration. Other provisions would have required religious organizations that seek registration to submit information about their creeds and practices, including attitudes toward family and marriage, education, and members' health. Vaguely written provisions would have given local officials broad authority to refuse or cancel the registration of religious organizations deemed a threat to public order or state security. The Government withdrew the draft legislation after minority religious groups, human rights advocates, and foreign observers objected to it.

Government officials frequently expressed concerns about the potential spread of religious extremism. They pointed especially to the risk of political Islam spreading north from Afghanistan, Iran, Pakistan, Tajikistan, Uzbekistan, and other states. In September the National Security Council, which is chaired by the President, created a commission to develop policies to combat religious extremism. In June the chief of the KNB named the fight against religious extremism as a top priority of the internal intelligence service.

On July 14, a group of more than 100 armed special forces and police raided a camp outside Taraz where a Muslim group was holding a private religious study retreat. The authorities detained 70 group members, including, reportedly, a 6-year-old and 11 other minors. Group members alleged that the authorities beat all 70 detainees in jail. One minor reportedly suffered a broken nose; another detainee reportedly suffered broken ribs. Although some government officials publicly alleged that the group was terrorist, not religious, in nature, the authorities uncovered no weapons or politically subversive literature at the camp. All 70 detainees were freed by September. Only one group leader was charged with a crime (promoting the activities of an unregistered organization), but he was released under the August amnesty law (see Section 1.c.).

In September police closed an Islamic school in Karasu village, near Almaty. The authorities alleged that a Pakistani teacher at the school was promoting religious extremism and that students were being kept forcibly at the school. The school was allowed to reopen, but it was closed again in October.

A campaign by the KNB and the national prosecutor's office to identify religious extremists led to the arrest and conviction in May of one alleged Muslim extremist in Atyrau. According to press reports, Askar Sekerbayev received a 6-month suspended sentence and a fine for "founding or participating in the activities of an illegal public organization." Sekerbayev reportedly belonged to the Muslim Zhamagat organization, which, the Government alleged, advocated violence.

In March officials from the national prosecutor's office, in at least one case accompanied by the KNB, raided the offices of six legally registered communities of Jehovah's Witnesses in Almaty and Zhambyl oblasts. In at least one case, the officials reportedly demanded copies of church correspondence, minutes of religious meetings, and other documentation. In all the cases, prosecutors summoned church leaders and required them to provide information about the organization's aims, religious practices, views on medical treatment and military service, and other questions. The Government took no further actions against the organization or its membership after the raids were publicized.

On May 19, the public prosecutor's office in Almalinskiy district of Almaty petitioned a city court to ban the Charismatic Evangelic Church of Christ. The petition

was based on the alleged irregularities in the group's registration, its foreign pastor's legal status, and alleged violations of the law on family and marriage by the pastor. The city court dismissed the case on June 17. The prosecutor's office appealed the decision but lost the appeal.

The Government often invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Such appearances by the Islamic Mufti and the Orthodox Archbishop, often in the presence of the President, were intended to promote religious and ethnic harmony. Some members of other faiths, including Muslims and Orthodox Christians not affiliated with the Mufti or Archbishop, criticized the Government's inclusion of the Mufti and Archbishop in state events as official favoritism and a violation of the constitutional separation of church and state.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for the right to emigrate and the right of repatriation; both are respected in practice. The law on national security prohibits persons who had access to state secrets through their work from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

According to the Constitution, everyone who is legally present on the territory of the country has the right to move freely on its territory and freely choose a place of residence except in cases stipulated by law. This provision formally abolished the "propiska" system of residence permits, a holdover from the Soviet era, and replaced it with a system of registration. However, in practice, citizens still are required to register in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty due to its relative affluence and local officials' fears of overcrowding. The Government can refuse to register a citizen, just as it did under the propiska system, in order to limit the number of persons who can move to a certain city or area.

There were a few reports of government efforts to restrict the movement of foreigners around the country. There were no further reports of foreigners being detained for wandering into not clearly marked restricted areas. Likewise, there were no further reports by foreigners that they were denied access or required to pay exorbitant entry fees to ostensibly free national parks. The authorities refused to approve the assignment of foreign aid workers to towns considered "sensitive." Internal visas are no longer required for foreigners traveling outside Almaty.

An exit visa is required for citizens who wish to travel abroad, although refusals are rare. There have been reports of some officials demanding bribes for exit visas. It is usually necessary to meet a number of bureaucratic requirements before the exit visa is issued. For example close relatives with a claim to support from the applicant must give their concurrence. Intending emigrants also must obtain evidence that they have no outstanding financial obligations. Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visa, or who did not receive an exit visa as part of their original visa, must get an exit visa from the immigration authorities before leaving. Foreigners staying at least 3 days in the country, regardless of whether they are staying 3 days in any individual city, must register with the local visa registry office. Many have complained that the process is bureaucratically cumbersome. Immigration authorities refused to allow foreigners without proof of registration to leave the country.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wish to return. Kazakhs in this category are entitled, in principle, to citizenship and many other privileges. Anyone else, including ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return, if they so desire.

The Government usually cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In January the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government did not pass implementing legislation for the Refugee Convention by year's end. In February the Government returned to Chinese authorities three ethnic Uyghurs from China without giving them an opportunity to request asylum, as provided for in the Refugee Convention. The UNHCR, human rights observers, and Uyghur activists believed that the three—Ilyas Zordun, Ali Khudaberdi, and Khamit Maimat—would have requested asylum if given the opportunity. According to Amnesty International, "wanted" posters in China indicated that Maimat was sought for "separatist" activi-

ties. The UNHCR and human rights groups sought access unsuccessfully to the three Uyghurs during the 6 months that they were held in isolated detention in Almaty. Following their return to China, Zordun, Khudaberdi, and Maimat reportedly were executed. In other cases, the Government allowed the UNHCR access to detained foreigners.

Following the passage of a 1997 migration law and creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the UNHCR. Ethnic Kazakh migrants are automatically eligible for citizenship, although the Government has granted citizenship to only 10,000 of the 180,000 Kazakh migrants. Migrants from other Commonwealth of Independent States (CIS) countries are not considered to be refugees as they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice, the Government is tolerant in its treatment of local refugee populations. Only the President can grant political asylum; he is known to have done so only once since independence in 1991.

The UNHCR estimated that there were approximately 10,000 refugees in the country (about 6,000 from Tajikistan, 3,000 from Afghanistan, and 1,000 from other countries, including an increasing number of Chechens from Russia). By October the Government registered approximately 1,200 asylum seekers and accorded refugee status to about two-thirds of them. The Government continues to give priority to the return of ethnic Kazakhs in order to increase the percentage of Kazakhs in the overall population and to offset the large-scale emigration of ethnic Russians and Germans. Since independence approximately 180,000 ethnic Kazakhs, mostly from other CIS countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings. The problem of integrating the Kazakh migrants was compounded by the inability of more than 90 percent of them to obtain the Kazakhstani citizenship to which theoretically they are entitled by law. Without citizenship, the migrants are not allowed to own property, open businesses, or conduct other legal transactions.

Agreements between Kazakhstan and Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1997.

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

The Constitution provides for a democratic government; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The Constitution cannot be modified or amended without the consent of the President. In 1995 President Nazarbayev extended his term of office to 2000 by referendum without a contested presidential election (which, according to the Constitution then in force, should have been held in 1996).

The President appoints and dismisses the Prime Minister and the Cabinet. He has the power to dismiss Parliament and to rule by decree should he so choose. He appoints judges and senior court officials and appoints all regional governors. The President also directly appoints the chairman of the Central Election Commission (CEC) and the members of the Commission.

President Nazarbayev won a new term in office on January 10 in an election held nearly 2 years earlier than previously scheduled. The previous October, the President and the Parliament had passed in 1 day, without any prior public notice, a series of 19 constitutional amendments that enabled them 1 day later to call the early presidential election. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and lifted the 65-year age limit on government service. (President Nazarbayev will be 65 before the end of his 7-year presidential term that began in January.) The constitutional amendments also extended the terms of Members of Parliament from 4 to 5 years for the lower house (Majilis), and from 4 to 6 years for the Senate. Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the Government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates hoping to qualify for the presidential ballot. Candidates were required to submit petitions with approximately 170,000 signatures collected in equal proportions from at least 11 of the

country's 14 regions. They also were required to pass a Kazakh-language test and to make a nonrefundable payment of 1,000 times the minimum monthly wage (approximately $30,000), although an equal sum was then provided to each registered candidate for campaign expenses. Although three candidates, in addition to President Nazarbayev, qualified for the ballot, two of them, Senator Engels Gabassov and Customs Committee Chairman Gani Kasymov, were known as supporters of the President and widely believed to be running at government behest.

In October 1998, less than a week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within 1 year of their conviction. A district court in Almaty summoned on less than 24 hours' notice 5 leading government opponents—former Prime Minister Akezhan Kazhegeldin, former Social Democratic Party leader Dos Kushim, Pokoleniye Pensioners Movement leader Irina Savostina, Azamat movement co-chairman Petr Svoik, and Tabigat Ecological Movement leader Mels Yeleusizov—to face charges of participating in the October 1998 meeting of an unregistered organization called For Fair Elections (see Section 2.b.). The court convicted all five. Despite the judgment against him, Kazhegeldin, the strongest opposition candidate, applied for registration as a candidate in the presidential election. The presidentially appointed CEC disqualified his candidacy under the provision of the presidential decree on elections that then served as the election law. The Supreme Court upheld the disqualification. The CEC also used the election law provision to disqualify the presidential candidacy of Amantai Asylbek, leader of the Attan antinuclear testing movement, because of the 3-day jail sentence he received in February 1998 for participating in an unsanctioned demonstration.

The Government harassed the opposition throughout the presidential election campaign. According to credible reports, government agents repeatedly pressured managers of conference facilities to deny access at the last moment to government opponents who had arranged to use the facilities for meetings and press conferences. When opposition meetings and press conferences did take place, electricity at the facilities was often interrupted. Government attempts to disrupt opposition meetings appeared to have extended beyond national borders when management of a Moscow hotel withdrew permission at the last moment for a December 1998 opposition congress (see Section 2.b.). Communist Party leader Serykbolsyn Abdildin, the only candidate from the ranks of the preelection opposition who qualified for the presidential ballot, publicly complained that local officials loyal to the President impeded his attempts to hold campaign rallies and meetings.

Unsolved assaults on Kazhegeldin and two of his advisers appeared to have been politically motivated and, government critics alleged, sanctioned by the Government. In October 1998, two gunshots of unknown origin were fired near Kazhegeldin on the eve of the press conference at which he announced his presidential candidacy. Unknown assailants beat his press spokesman, Amirzhan Kosanov, and one of his public relations advisers, Yelena Nikitenko (see Section 1.c.). Several days before the attack, officials of the Al-Farabi national university in Almaty forced Nikitenko to resign from the faculty because of her political work. Government officials alleged that the Kazhegeldin campaign staged all three attacks. Following the announcement of Kazhegeldin's candidacy, the then first deputy chairman of the KNB held an unprecedented press conference at which he made admittedly unsubstantiated allegations of financial malfeasance against Kazhegeldin. The tax authorities brought an action against Kazhegeldin during the campaign and, according to credible reports, threatened actions against other government opponents. At a news conference, Kazhegeldin supporters showed videotape of police repeatedly pulling over Kazhegeldin's car for unspecified "inspections." Kazhegeldin also claimed that border control officials at the Almaty airport tried to prevent him and his family from taking a flight out of the country. An attack on a Kazakhstani employee of a foreign embassy also appeared to be motivated politically and, human rights observers believe, sanctioned by the Government. In December 1998, three men beat the employee outside his apartment as the employee returned home. The employee suffered a cracked rib, some internal injuries, and required stitches to close wounds near both eyes. The attackers made no attempt to take the employee's money or other valuables. The absence of robbery as a motive and the fact that the employee's responsibilities included assisting embassy officers in contacts with political opposition and human rights figures suggested that the attack was motivated politically. At year's end, the authorities had made no arrests in any of these cases.

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE announced in December 1998 that it would not meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal ac-

cess to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process. The assessment team concluded that the presidential election fell "far short" of Kazakhstan's commitments as an OSCE participating state. It cited, in particular, the exclusion of candidates as an "infringement on rights of citizens to seek public office;" the short duration of the election campaign; obstacles to free assembly and association; the use of government resources to support President Nazarbayev's campaign; unequal access to the media; and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December. The lower house (Majilis), consisting of 77 members, was elected directly in October. Under amendments to the Constitution passed in 1998, membership in the newly elected Majilis included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). As before the other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of 39 members, 32 of whom are elected indirectly by members of oblast and city parliaments; the President appoints the remaining 7 senators. (The number of Senate seats was reduced from 42 in accordance with the Government's 1997 decision to reduce the number of oblasts from 19 to 14.) Elections were held in September for 16 Senate seats. The new election law, passed in May, requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage (approximately $500—7,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR considered a barrier to participation. The election law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered nationally and in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The Constitution mandates that participation in elections is voluntary. One of the constitutional amendments passed in October 1998 rescinded the requirement that at least 50 percent of eligible voters participate in order to make an election valid. Experts had cited the old requirement as one of the causes of fraud and vote inflation in past elections.

The legislature cannot exercise oversight over the executive branch. However, the Parliament has asserted itself with regard to the budget, for example, in June it rejected budget austerity measures proposed by the Government. The austerity measures subsequently passed automatically after the Prime Minister called for and won a confidence vote in Parliament. (The rules for votes of confidence give the Government a significant advantage in disputes over legislation with Parliament. Under the Constitution, a law that is the subject of a confidence vote automatically passes unless two-thirds of the full membership of each chamber vote "no confidence." Even when Parliament votes no confidence, the President has the constitutional option to dissolve Parliament.) Should Parliament fail to pass within 30 days an "urgent" bill brought by the President, the President may issue the bill by decree. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which largely is controlled by the President.

Although the President has the right to legislate by decree, he respected the parliamentary procedures laid out in the Constitution. In June shortly before the Parliament was to adjourn for the summer, President Nazarbayev asked the Parliament to accord him full legislative authority in order to pass what he considered pressing legislation. The President withdrew his request when Parliament agreed to remain in session in July and take action during that month on 30 pieces of legislation deemed "urgent" by the President.

In 1998 the President vetoed a bill which would have established an independent auditing agency. The bill was reintroduced by Parliament, passed, and signed into law by the President in November 1998.

The introduction of 10 new parliamentary seats distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communists, were previously very weak. The Communist Party and three propresidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—divided the 10 new party-list seats in the October parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the new Parliament. One member of the opposition RNPK won a seat after running as an independent candidate. The RNPK withdrew its party-list slate after two of its candidates, Akezhan

Kazhegeldin and Madel Ismailov, were declared ineligible. About one-half of the candidates who won ran as independents. Many of them were former government officials with strong presumed sympathy for progovernment parties.

Most activities of Parliament remained outside public view. In June Parliament barred the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. The Parliament invited nongovernmental representatives to observe at least four meetings. Many draft bills were held closely and published in the press only after passage and signature by the President. Constituent relations were virtually nonexistent.

Although an improvement over the January presidential election, parliamentary elections held in September (for the Senate) and in October (for the Majilis) were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness about vote tabulations. There was strong evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments." The OSCE also expressed concern that parliamentary runoff races were conducted just 2 weeks after first-round voting, which left no time for the CEC and the courts to act on hundreds of complaints filed about the conduct of first-round voting and the campaign.

A new election law, passed by Parliament in May and amended in June, replaced a presidential decree that had served as the election law. It lowered candidate registration fees by 75 percent, but failed to correct other deficiencies of the decree it replaced. The new law maintained a system of electoral commissions subject to regional and local government authorities, who appoint commission members. It failed to incorporate suggestions for creating a more open vote tabulation process. It also maintained provisions that bar candidates convicted of administrative offenses from running for office for 1 year.

The CEC issued regulations to ameliorate some of these deficiencies in time for the parliamentary elections, but the effects were limited. For example the CEC filled vacant seats on electoral commissions by lottery among all registered political parties. However, the initiative, affected only 25 percent of commissions and was limited to one seat per commission, which usually consist of seven members. Regulations that clarified the rights of election observers significantly improved the ability of observers to monitor vote counts at the precinct level. However, observers could not, in the end, use the information they obtained to corroborate official results. As of year's end, the CEC released comprehensive precinct- and district-level vote tallies for only 1 of 67 single-mandate districts, despite repeated requests from the OSCE and other observers. With the exception of the one district for which comprehensive results were released, the CEC did not issue by year's end the order of finish or final totals for Majilis candidates who neither won nor qualified for a runoff.

In response to international and domestic criticism of the exclusion of candidates from the January presidential election, the Government in June removed attendance at a meeting of an unregistered organization from the list of administrative offenses. However, more than 40 other administrative offenses that potentially could disqualify candidates for public office remained on the books. Among these offenses were participation in unsanctioned demonstrations or rallies, an offense that the Government often has used to charge its opponents (see Section 2.b.). The Government presented rescission of the administrative offense as a measure to enable the five opposition leaders convicted of participating in the For Fair Elections meeting to run for Parliament. Two of the five successfully registered as candidates. However, the CEC declined to register Akezhan Kazhegeldin due to a December 1998 administrative conviction for contempt of court. The conviction arose from Kazhegeldin's failure to respond in person to the For Fair Elections charge. (Kazhegeldin argued at the time that he met the law's requirements by sending his attorney.) The chairperson of the CEC publicly encouraged Kazhegeldin to seek the overturn of his contempt of court conviction 1 week before the registration deadline for the parliamentary elections. A successful appeal by Kazhegeldin would have made him eligible, according to the CEC, to run in the parliamentary election. Kazhegeldin subsequently wrote to the Supreme Court requesting that it overturn his contempt conviction, but the Court ruled that his letter did not constitute a proper legal appeal.

Within a day of the CEC exclusion of Kazhegeldin's candidacy, Russian authorities detained Kazhegeldin in Moscow at the request of the Prosecutor General of Kazakhstan. The Government requested extradition of Kazhegeldin, who was living in exile, in connection with allegations that he had laundered illicit funds received

while serving as Prime Minister from 1994–97. The investigation of Kazhegeldin, while possibly grounded in facts, appeared motivated politically. Following protests from international human rights groups, the Prosecutor General dropped his extradition request, and the Russian authorities released Kazhegeldin.

The CEC barred the parliamentary candidacy of Madel Ismailov because of his February 1998 criminal conviction for insulting the President (see Section 1.e.). Ismailov had sought to register as a candidate on the RNPK party list. The election law precludes candidates convicted of criminal offenses from running for office for 3 years following their convictions.

A flawed provision in the electoral law was used to disqualify another RNPK candidate, deputy party chairman Gaziz Aldamzharov, after he apparently received a majority of votes in an election in Atyrau. The CEC annulled the second round of the Atyrau election, as well as two other second-round elections, but gave no specific official reason. The electoral law precludes all candidates who participated in an invalidated election from running in a make-up election, regardless of who was responsible for the violations that led to invalidating the election. The CEC interpreted this provision to exclude from the 3 rerun elections all of the approximately 500 candidates who ran unsuccessfully for any Majilis seat in October. Although the CEC did not announce the specific reason for invalidating the Atyrau election, the CEC chairperson said in a television interview that district and precinct electoral officials in Atyrau refused to certify protocols after a series of disturbances that the chairperson attributed to the "opposition." These disturbances included alleged bomb threats, alleged falsification of ballots, and the incursion into one polling station of four masked men who opened and overturned ballot boxes. Given widespread expectations that Aldamzharov would receive a majority of votes in Atyrau, unsubstantiated CEC allegations that the ″opposition″ disrupted voting in Atyrau appeared contrived.

There were widespread, documented allegations that regional and local executive authorities (akims) interfered with the parliamentary elections during the campaign and in the voting process. In one case, the chief election commissioner for the Ili district (Almaty oblast) resigned because, he alleged, the district akim ordered him to deliver a victory for the akim's favored candidate. The commissioner, like most election officials a government employee, offered to resign from his full-time government job in addition to his electoral responsibilities. A significant number of complaints filed in several regions indicated that akimats and, through them, other employers threatened supporters of opposition candidates with job loss. In one such case, the akimat of the capital city, Astana, allegedly threatened to fire more than 20 government employees for their support of a nonfavored candidate. There were also reports that tax inspectors and the KNB intimidated opposition candidates, their supporters, and the independent media. Akimats used government personnel and other resources, including office space, to campaign for "favored" candidates and to distribute campaign literature for the propresidential Otan party. On first- and second-round voting days, international and domestic observers found akimat representatives "supervising" the work of putatively independent precinct electoral commissions in numerous locations throughout the country.

The failure of the CEC to release most precinct- and district-level vote tallies undermined the credibility of election results. Evidence of official vote tampering in several districts exacerbated this problem. The OSCE observation mission obtained copies of flagrantly falsified protocols (reports of official results). OSCE observers found multiple vote protocols prepared in one Almaty polling station. OSCE and domestic observers reported that precinct officials frequently did not use official protocol forms to record results in the presence of observers or filled out the official forms in pencil. District election officials, especially in first round elections, generally refused to allow observers to witness the tabulation of results from various polling stations. Observers' access to district vote tabulations improved in the second round of voting after the CEC issued new instructions for preparing protocols and instructed district officials to cooperate with observers. Nevertheless, the district election commission in Atyrau refused initially to allow OSCE observers into the district commission office. District officials ultimately allowed the observers into their office but subsequently recommended that they leave because the commission "could not assure the (observers') safety."

The Constitution significantly constrains the independence of the judiciary. A Constitutional Council replaced the Constitutional Court in August 1995 when the new Constitution was adopted. The President appoints three of its seven members, including the chairman. A two-thirds majority of the Council is required to overrule a presidential veto. All judges are appointed directly by the President.

According to the Constitution, the President selects governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions.

All adult citizens (at least 18 years of age) have the right to vote. Membership in political parties or trade unions is forbidden to members of the armed forces, employees of national security and law enforcement organizations, and judges.

There are no legal restrictions on the participation of women and minorities in politics, but the persistence of traditional attitudes means that few women hold high office or play active parts in political life, and in general, women are underrepresented severely in government. At the end of the year, no women held ministerial portfolios, though one had ministerial rank and several deputy ministers were women. There were no female provincial governors (akims). Of 39 Senate members, 5 are women; of 77 Majilis members, 8 are women.

Although minority ethnic groups are represented in the Government, Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed this year. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries. Non-Kazakhs also are underrepresented in the Majilis and the Senate. In the new Parliament, 8 of 47 current members of the Senate are non-Kazakhs, and 20 of 77 members of the Majilis are non-Kazakhs.

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

The Almaty Helsinki Commission and the Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) are the most active of a small number of local human rights organizations. They cooperate on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. In November a fire destroyed the main office and all the archives of the Bureau for Human Rights in Almaty. The Almaty fire department concluded that arson was the probable cause of the fire and referred the case to prosecutors, who brought no charges before the end of the year. Some human rights observers complained that the Government monitored their movements and telephone calls.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered; however, some continue to operate without legal standing. Although some government officials made an effort to work with domestic and foreign NGO's, others persisted in asserting that foreign NGO's promote instability. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee. Others believe that they were not eligible to register because they promoted the interests of one ethnic group or religion and are considered by some to violate the constitutional ban on inciting social, racial, national, religious, class, and tribal enmity. The new Criminal Code that took effect in 1998 criminalized the activity of NGO's that are not registered. In 1998 five leading opposition figures were convicted for participating in a meeting of an unregistered NGO, the For Fair Elections group (see Sections 1.d., 2.b., and 3).

The Government permitted international and foreign NGO's dealing with human rights issues to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization, the International Federation of Red Cross and Red Crescent Societies, and the UNHCR have permanent offices in the country. The OSCE, of which Kazakhstan is a member, opened an office in Almaty in January. The Constitution forbids "the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations." In January 1998, the Confederation of Free Trade Unions and its leader, Leonid Solomin, were charged for the second time within a year with violating these provisions. However, during the year, the Government dropped all charges in both cases.

The Presidential Commission on Human Rights is a consultative body. It prepares annual reports to the President that can be released to the public only with the President's consent. For the first and only time the Commission made public its annual report to the President by publishing an expurgated version of its report for 1997 at the end of 1998. The report focused almost exclusively on "economic and social rights," for example, the right to a decent standard of living. It concluded that the country consistently abides by human rights principles and suggested that those who blame the Government for social problems should realize that individual well-being ultimately is the responsibility of the individual. The Commission reached out to independent human rights organizations but made little progress in establishing

itself as an ombudsman. In general the Government tended to deny or ignore charges of specific human rights abuses that were levied by human rights monitors and individual citizens. In its report to the President for 1997, the Commission charged that many domestic NGO's are oriented towards developed countries' standards and do not realize that progress towards a market economy and civil society is a slow, gradual process. It said that NGO's sympathetic to "left-wing radicals" have nothing constructive to offer.

The Presidential Commission on Human Rights and OSCE cohosted a roundtable discussion on the draft religion law in March.

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

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances." However, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women.—According to human rights groups, there is considerable domestic violence against women. A local NGO, the Feminist League, estimates that hundreds of thousands of women are the victims of spousal abuse. The Interior Ministry reported that family members or domestic partners were responsible for about one-third of the nearly 8,500 crimes against women registered in the first half of the year. During the same period, 81 women were murdered by family members. Police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. The maximum sentence for wife beating is 3 years, but few such cases are prosecuted. A new government commission on women and family drew attention to the issue of domestic violence. Law enforcement authorities reported that 288 persons were convicted of rape in the first 8 months of the year, although the total number of reported rapes was unavailable. Under the Criminal Procedure Code, prosecutors can initiate a rape case, absent aggravating circumstances such as gang rape, only upon the application of the victim. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. The punishment for rape can range from 3 to 15 years. There is very little coverage of rape in the press, and rapes often go unreported. There is no law specifically against spousal rape, which is proscribed under general rape laws.

There was anecdotal evidence of trafficking in women (see Section 6.f.).

There is no legal discrimination against women, but traditional cultural practices limit their role in everyday society and in owning and managing businesses or real property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures. Women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education. Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association.

Children.—The Government is committed in principle to children's rights, but as in many other areas, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through the 11th grade, although students may begin technical training after the 9th grade. There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

People with Disabilities.—Citizens with disabilities are entitled by law to assistance from the State. There is no legal discrimination against the disabled, but in practice, employers do not give them equal consideration. There are laws mandating the provision of accessibility to public buildings and commercial establishments for the disabled, but the Government does not enforce these laws. Disabled persons are a low priority for the Government. Mentally ill and mentally retarded citizens can be committed to institutions run by the State. These institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, confirmed its previous observation that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

National/Racial/Ethnic Minorities.—According to results of the 1999 census, the population of about 16 million consists of approximately 50 percent Kazakhs and 33

percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented. At year's end, details of the census had not been released, but there has been no public criticism of the announced ethnic breakdown of the population.

The Government continued to discriminate in favor of ethnic Kazakhs in government employment, where ethnic Kazakhs predominate, as well as in education, housing, and other areas. However, the Government has continued to back away from its "Kazakhification" campaign of the first year of independence (1991–1992). President Nazarbayev has emphasized publicly that all nationalities are welcome, but many non-Kazakhs are anxious about what they perceive as expanding preferences for ethnic Kazakhs. Many ethnic Kazakhs believe that such preferences are needed to reverse 200 years of discrimination.

Most of the population speaks Russian; only about one-half of ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the state language. The Constitution states that the Russian language is used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. Some ethnic Russians believe that Russian should be designated as a second state language. The Government is encouraging more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. A 1997 language law intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages has not been funded sufficiently to make Kazakh-language education universal. In 1997 the Parliament committed itself to compile a list of positions requiring Kazakh-language fluency but never did so; the Parliament is not working on such a list.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution and the Labor Code provide for basic worker rights, including the right to organize and the right to strike; however, the Government at times infringed on worker rights. Activist unions came under government pressure for holding unsanctioned demonstrations and marches. The courts dissolved two unions in 1998 for violating laws against unauthorized demonstrations, marches, and rallies.

In December the President signed into law a new Labor Code, effective January 1, 2000. Among many other revisions, the new law provides for individual contracts between an employer and each employee, but allows "optional" collective labor contracts. It also allows unions to represent an employee in labor disputes, but an employee may choose other representation. However, during the year the previous Labor Code remained in force.

Most workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At most enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions under the Communist system were, and for the most part still are, organs of the Government and work with management to enforce labor discipline and to discourage workers from forming or joining independent unions.

The law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK, formerly the Independent Trade Union Center of Kazakhstan) claims membership of about 250,000; however, the actual number of independent trade union members is estimated to be much lower. The state-sponsored Federation of Trade Unions claims 4 million members; however, the figure is regarded as too high. To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and expensive. The decision to register a union appears to be arbitrary, with no published criteria. No unions were registered or denied registration during the year. The two major independent trade union confederations are registered. Judicial authorities and the Ministry of Justice have the authority to cancel a union's registration, as a provincial court did in Kentau in 1998.

The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first fired in times of economic downturn.

Unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. Nonpayment of wages continued to be the priority issue for workers. According to the law, workers may exercise the right to strike only if a labor

dispute has not been resolved by means of existing conciliation procedures. In addition the law requires that employers be notified that a strike is to occur no less than 15 days before its commencement. There were numerous strikes throughout the country to protest the nonpayment of wages. In May and June, approximately 60 employees of the Shymkent phosphor plant conducted a 33-day hunger strike over nonpayment of wages. The south Kazakhstan oblast akim authorized strikers to picket in front of his office. One striker reportedly received his full back pay and others received partial payment. The strike ended after 33 days when police removed the strikers. Employees of the Karagandashakhtastroy company in Karaganda reportedly conducted a hunger strike in April to protest nonpayment of their wages.

Two unions dissolved by court order in 1998 for "systematically and flagrantly" violating laws against unauthorized demonstrations, marches, and rallies could not legally reconstitute. The unions represented workers at the Archpolimetal metallurgical plant in Kentau, who had conducted various actions for several years to protest chronic nonpayment of wages. Dissolution of the well-known unions led independent labor leaders to call in 1998 for formation of a new political party to represent workers interests, but no party was created. The leader of one of the Kentau unions reported that he had to leave Kentau because local law enforcement and KNB authorities harassed him and his family. Several candidates representing government-sponsored labor unions were elected in the October parliamentary elections.

As a result of their inability to pay salaries, many enterprises continued to pay wages in scrip rather than in cash, a practice at odds with International Labor Organization Convention 95 on the protection of wages other than in the legal currency without the express consent of the workers. Enterprise directors claimed that the enterprises were not being paid in cash by their traditional trading partners in other parts of the former Soviet Union, which also were experiencing cash flow difficulties as a result of the general economic crisis. The scrip often was not accepted at stores or was accepted only at devalued levels.

Independent unions complain about a provision in the Constitution that forbids the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. Since independence in 1991, independent trade unions have received financial assistance from the AFL-CIO's Free Trade Union Institute (FTUI). Most of this assistance ended in 1996 when funding was reduced and FTUI now provides no funding. Independent trade unions have sought new means of support; some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK, headquartered in Astana. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

b. *The Right to Organize and Bargain Collectively.*—There are significant limits on the right to organize and bargain collectively. Collective bargaining rights are not spelled out in the law, although in some instances unions successfully negotiated agreements with management. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. Unions routinely appealed to arbitration commissions.

A new labor law passed in November reduced the role of unions by allowing employers the right to negotiate labor contracts with individual employees. Previously, the terms of contracts were set by law and collective bargaining agreements. The new law also gave employers the right to fire an employee without the consent of the employee's union.

There is no legal protection against antiunion discrimination. There are no export processing zones. Several free economic zones enjoy all the privileges of export processing zones, as well as other tax privileges and abatements, but labor conditions there appear to be no different than elsewhere in the country.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor except "at the sentence of the court or in the conditions of a state of emergency or martial law," and it is generally not known to occur; however, in the north some persons still were required to provide labor or the use of privately owned equipment with no, or very low, compensation to help gather the annual grain harvest.

The Constitution does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years. A child under age 16 may work only with the permission of the local administration and the trade union in the enterprise in which the child would work. Such permission rarely is granted. Although the Constitution does not prohibit specifically forced and bonded labor by children, there were no reports of such practices (see Section 6.c.). Abuse of child labor is generally not a problem; however, child labor is used routinely in agricultural areas, especially during harvest season.

e. *Acceptable Conditions of Work.*—In 1997 the Government resumed setting a minimum wage. The minimum monthly wage was approximately $20 (2,680 tenge) during the last quarter of the year. This amount does not provide a decent standard of living for a worker and family and fell far short of the minimum subsistence amount for one person as calculated in 1998 by the Kazakhstan Institute of Nutrition.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

Although the Constitution provides for the right to "safe and hygienic working conditions," working and safety conditions in the industrial sector are substandard. Safety consciousness is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are enforced by the Ministry of Labor and the state-sponsored unions. Workers, including miners, have no legal 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. Women's rights groups and the International Organization for Migration report anecdotal evidence of trafficking in women from the country. In May participants in an OSCE Women in Politics workshop in Almaty identified trafficking, along with inequality and the situation of rural women, as issues of critical importance to women in the country. No observers have tried to quantify the extent of trafficking, and the Government has no programs to target trafficking in women.

KYRGYZ REPUBLIC

The Kyrgyz Republic became an independent state in 1991. Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Akayev was reelected in 1995 in an open, multicandidate presidential election, which was marred, however, by the deregistration of three rival candidates immediately prior to the vote. Also in 1995, a two-chamber Parliament was elected for a 5-year term. The Constitution was amended by referendum in 1996 to strengthen substantially the presidency and define the role of Parliament. However, the 1996 referendum was marred by serious irregularities. In October 1998, the Government held a constitutional referendum that, among other things, reformed the structure of the Parliament and the national budget process. The referendum passed by over 90 percent, but again there were a number of serious irregularities. Elections were held in October 1999 for local governing councils. The process was flawed but represented an improvement over the 1998 referendum. Although Parliament has become increasingly active, and on occasion has blocked presidential initiatives, it still does not check the power of the President effectively. The judiciary is dominated by the executive branch.

Law enforcement responsibilities are divided among the Ministry on Internal Affairs (MVD) for general crime, the Ministry of National Security (MNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the MNB deal with corruption and organized crime. These ministries inherited their infrastructure from their Soviet predecessors. Both appear to be under the general control of the Government and generally conform their actions to the law. Border guards are under the full control of the Government. On January 1, the Government assumed responsibility for border control, ending an agreement with the Russian Federation, whose troops had manned the border with China. Final withdrawal of Russian border guards occurred in August, although approximately 160 Russian advisors remain in the country. Some members of the police committed human rights abuses.

The Kyrgyz Republic is a poor, mountainous country with a rough balance of agricultural and industrial production. Cotton, tobacco, and sugar are the primary agri-

cultural exports. The country also exports hydroelectric power, antimony, mercury, and uranium. The Government has carried out progressive market reforms. The economy worsened steadily during the year, and inflation is estimated at over 40 percent. The U.N. estimates that 55 percent of the population are below the poverty line. The country faces an external debt of $1.5 billion. Industrial production remains significantly below preindependence levels. The level of hardship for pensioners, unemployed workers, and government workers with salary arrearages continues to be very high. The average annual salary is $100 (4,200 som). Foreign assistance plays a significant role in the country's budget.

The Government's human rights record was generally uneven and poor in some areas. The Government limits citizens' ability to change their government. There were credible reports of police abuse and brutality. Prison conditions are very poor, and there were cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' right to due process, although the judiciary is undergoing reform. Government supervision of "village elders' courts" that it sanctions outside the regular judicial structure remains uneven, but abuses such as stoning abated. The Government at times infringes on freedom of speech and of the press. Authorities at times pressure journalists who criticize individual members of the Government. The Government did not use libel laws against the press; however, the Government uses bureaucratic means to harass and pressure the independent media and opposition. The Government at times inhibited freedom of assembly and association; there were serious problems with political parties' rights to free assembly. The Government deregistered the Kyrgyz Committee for Human Rights (KCHR) prior to the October 1998 referendum and prohibited subsequent attempts at reregistration. However, the Government finally reregistered the KHCR in August, and the group now operates freely. The Government at times infringed on freedom of religion. Societal discrimination against women persists. Violence against women is a problem that authorities often ignore, and trafficking in women and girls for the purpose of forced prostitution also is a persistent problem. Child abuse is a problem, and there is a growing number of street children. Discrimination against ethnic minorities and child labor persisted.

Armed insurgents in the country's southern areas along the Tajik-Kyrgyz border took both Kyrgyz and foreign citizens hostage in the fall.

RESPECT FOR HUMAN RIGHTS

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

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

There were no further developments in the January 1998 beating death by police of Muratbek Sulaimanov.

There were no further developments in the February 1998 beating and killing by burial alive of Sergei Skromnov by police in the Lenin region of Bishkek.

b. *Disappearance.*—There were no reports of politically motivated disappearances due to action by the Government or domestic groups.

In August several hundred armed ethnic Uzbeks entered the southern Osh province from Tajikistan and took a number of hostages, including several government officials and four Japanese geologists. There were military engagements between the Government and the insurgents, who identified themselves as members of the Islamic Movement of Uzbekistan, an organization opposed to the present Uzbekistan Government. At least one of the hostages died in captivity. The last of the hostages was released on October 25. Negotiations with the insurgents led to the eventual release of all remaining Kyrgz and foreign hostages, the last of whom was released on October 25.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, there were some credible reports that police used violence against detained suspects in order to obtain confessions while the suspects in criminal cases were in pretrial detention. In September police officers reportedly beat a farmer while trying to recover an unpaid debt; the farmer remained in jail at year's end.

Police patrols are supervised poorly, are not always paid promptly, and sometimes commit crimes. Supervision of conditions for pretrial detainees is poor, and abuses sometimes occur. Police sometimes used ill-defined charges to arrest persons (see Sections 1.d. and 2.d.).

In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year (see Section 1.e.).

Prison conditions (including overcrowding, food shortages, and lack of heat and other necessities) are very poor, due to limited budget resources. Those detained by the MNB rather than the MVD are kept in an MNB facility; after conviction, they go to a regular prison. The 1994 Criminal Procedure Code is based on the Soviet-era Criminal Procedure Code and established the right for attorney-client visits of unlimited number and duration. In practice, however, an attorney must obtain official permission for every visit. Prison visits by family members are at the discretion of the investigator during the investigation phase. After conviction family members may visit regularly.

In principle nonfamily visitors seldom are permitted. However, some citizens, including local human rights activists, claim that they usually can obtain official permission for a visit through personal connections.

d. *Arbitrary Arrest, Detention, or Exile.*—The Judicial system continues to operate, in many cases, under Soviet laws and procedures, and authorities generally respect these provisions in practice; however, there were a few cases of arbitrary arrest and detention. The procurator's office determines who may be detained, arrested, and prosecuted. The MNB, the MVD, and the General Procurator carry out investigations. Since 1990 persons arrested or charged with crimes have the right to a defense counsel, who is required to visit the accused within the first 3 days of incarceration. However, sometimes the accused first sees the defense counsel only at the trial.

The Criminal Code permits the procurator to detain suspects for 72 hours before releasing them or charging them with a crime. The procurator must issue an arrest warrant before a person can be detained. If a suspect is charged, the procurator must advise defense counsel immediately. The accused usually remains in detention while the procurator investigates and prepares the case for trial. The procurator has discretion to keep the accused in pretrial detention for up to 1 year, but there are conditions for provisional release before trial. After 1 year, the procurator must release the accused or ask Parliament to extend the period of detention. Since independence, there have been no known instances in which Parliament has been asked to extend a detention.

The MNB monitored the Uighur community (a Turkic people native to western China) closely. In the past they arrested Uighurs on ill-defined charges, including false documents and concealed weapons charges (see Section 2.d.).

In the summer, police fined two parliamentary deputies who were discussing politics with citizens in a public place and charged them with holding an illegal gathering (see Sections 2.a., 2.b., and 3).

Three deputies in the National Assembly were arrested in June on charges ranging from embezzlement to assaulting a tax inspector. Many of the charges were at least 2 years old. Several parliamentarians made statements criticizing the arrests. While it was not clear that these charges were politically motivated, there have been other cases against deputies that were.

In September police systematically rounded up hundreds of ethnic Uzbeks, Tajiks, and Afghans in the cities of Jala-Abad and Bishkek on the pretext of passport checks, holding them in custody for up to 2 days.

The Government does not employ forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, despite extensive reforms in the court system and a large body of new law, court operations have not become independent of the executive branch, which continues to dominate the judiciary.

Cases originate in local courts; they may move to appeals courts on the district or regional level and finally to the Supreme Court. Separate courts of arbitration handle civil disputes, and traditional elders' courts handle low-level crime in rural areas.

The procurator brings cases to court and tries them before a judge and two people's assessors (pensioners or citizens chosen from labor collectives).The accused and the defense counsel have access to all evidence gathered by the procurator. They attend all proceedings, which are generally public, and are allowed to question witnesses and present evidence. All members of the court have equal rights. Anyone in the courtroom may question witnesses. Witnesses do not always recapitulate their evidence in court; instead they affirm or deny their statements in the procurator's files.

The court compares the facts as presented by the procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: innocent; guilty; or indeterminate, that is, the case is returned to the procurator for further investigation. In 1996 the Constitutional Court ruled that only the defense has the right of appeal. The decision of a court to return a case to the procurator for further investigation may

not be appealed, and accused persons are returned to the procurator's custody, where they may remain under detention.

The law allows only government attorneys to represent defendants in criminal cases, while private attorneys are prohibited in criminal court. Often, the attorneys are seen to skew cases toward the Government's interests, and there are complaints that detainees did not have the right to a fair trial.

The procurator, not the judge, is in charge of criminal proceedings. Thus the courts are widely perceived as a rubber stamp for the procurator and for high-ranking government officials and not as the protectors of citizens' rights. In addition very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes.

Local elders' courts are found in almost every oblast and region. They exercise their authority by trying petty crimes, such as robbery, hooliganism, or theft. In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year. Local elders' courts are under the supervision of the procurator's office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Government has introduced several judicial reform measures, including a proposal to establish an independent judicial budget, creation of judicial judgment enforcement procedures, and independent judicial training. Generally accepted international practices, including the presumption of the innocence of the accused, have been introduced. Judges do not hold positions for life. As provided in the Constitution, terms for judges range from 15 years for Constitutional Court judges to 3 years for first-term local judges. In 1993 a new system of court administration was introduced, and sitting judges are being tested on their knowledge of the law and new civil codes. The first round of testing was completed in the fall of 1996; the next was carried out during the fall when new judicial appointments were made. If judges fail these tests, they may be disqualified from holding office. The process appears to have increased judicial professionalism, and a number of judges have been removed due to poor performance on the exams. Some removals appear to have been subjective, but most lawyers and judges consider the system to be a fair measure of competence.

The appointment of ethnic Kyrgyz to key positions in the judicial system has led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups. Although systematic discrimination is not clearly evident, allegations that it exists are credible in some cases. There are also complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country is underrepresented in the judiciary.

Economic crimes such as tax evasion, embezzlement, and theft of government property, including that of electric power, are common. Prosecution for these crimes is relatively rare and sometimes appears to be directed at opponents of the Government. Legislators in the past have used their parliamentary immunity to avoid being brought to court. However, the October 1998 referendum included an amendment that limited immunity to official acts only. In June three Members of Parliament (M.P.'s) were arrested in or near the parliament building for misappropriation of state property, abuse of power, and tax evasion (see Section 1.d.). The three were awaiting trial at year's end.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, and telephonic and telegraphic communications are protected. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts. A change in the law in 1995 weakened these protections by allowing the procurator to give approval for searches over the telephone; thus no written proof exists to verify that the search was approved. Furthermore, in certain cases, law enforcement officers first may carry out a search and then get approval within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

Organizaitonal structures responsible for violations during the Soviet era have remained largely in place; however, there were no reports of violations of citizens' privacy. There were concerns by citizens active in politics or human rights issues that the privacy of their communications was violated, but evidence to that effect is not available.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The law provides for certain freedoms of speech and of the press; however, the Government at times infringed on these rights. In July police in Naryn oblast fined two parliamentary deputies for discussing politics informally with citizens in a public place; the deputies were charged with holding an illegal gathering (see Sections 1.d., 2.b., and 3).

The 1992 law on the mass media provides for freedom of speech and the mass media, and outlines registration procedures. It identifies prohibited material: Government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols, such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person. Two laws related to the media, On Guarantees and Free Access to Information and On the Protection of the Professional Activities of Journalists, were adopted in December 1997.

The Government did not close any newspapers or electronic media during the year, nor were any journalists arrested or imprisoned as a direct result of journalistic activities, although several faced civil "honor and dignity" charges in court cases brought by parliamentarians or other public figures.

All media must register with the Ministry of Justice and wait for ministry approval before beginning to operate. The media law states that the registration process requires 1 month. During the year, there were no reports concerning media organizations that could not register in a timely manner.

Libel is a criminal, not a civil, action. The Government attempted at the end of 1997 and the beginning of 1998 to amend the Criminal Code to remove libel; however, its efforts were defeated in Parliament by an overwhelming majority. As a result of the October 1998 referendum, the Constitution now includes language that precludes Parliament from passing laws that infringe on free speech. As of year's end, there had been no implementing legislation for this amendment.

There are approximately 40 to 50 independent newspapers and magazines, including some with local, not national, standing. There are also several hours daily of independent television and radio broadcasting. However, state television, radio, and government newspapers receive government subsidies, which permit the Government to influence media coverage. Additionally, the State's printing house, Uchkun, is the only newspaper publisher in the country.

During the first half of 1998, all television and radio stations were to be registered (licenses) with the newly established National Agency for Communications (NAC) or reregistered if they had a registration with the NAC's predecessor, the Committee on Frequencies, which was under the direction of the Prime Minister. The NAC requires extensive paperwork for registration, including copies of documents on education and training received by the staff and specifications of the equipment used.

Many independent television and radio stations have received licenses. Among them were Pyramid, Independent Bishkek Television, (NBT), Vostochnaya Strana (VOSST), Asia Center, Open Channel, and Europa Plus. The registration fee ranges from approximately $100 to $150 (4,000 to 6,000 soms). Licenses issued are valid for 3 to 7 years (the duration of validity was determined by the NAC based on its evaluation of a company's viability). Other independent television and radio companies are in the process; of reregistration, including Osh Television, Mezon Television, Radio Almaz stations in Bishkek and Osh, and several others successfully registered during the year.

There are two television stations in Osh that broadcast in Uzbek: Osh Television (some programs) and Mezon Television (all programs). The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population of Osh. Although Osh television has a license to broadcast, a dispute continues over which channel it can use; the NAC attempted to require the station to change its frequency by year's end. The Association of Journalists lobbied against this change, indicating that it was unfair as no other broadcaster had to change frequencies, was not justified technically, and was a financial hardship to Osh television. The Government granted a reprieve allowing the station to continue broadcasting on its current frequency until June 2000.

Licensing has been complicated for nongovernment broadcasters. In August 1998, the NAC notified licensees of a new government regulation providing that those holding licenses pay for all expenses connected with carrying out supervisory functions under the license agreements. Additionally, since mid-August 1998, the nongovernment electronic media began receiving standard notices from the NAC, signed by its director Orozaly Kaiykov, stating that the obligation to broadcast in the state language was not being fulfilled and that broadcasters were relying mainly on foreign music and programming. Despite an extended series of meetings in 1998 be-

tween the NAC and media officials, these issues, which the media view as a form of censorship, were not resolved. The NAC did not press the point beyond the Kaiykov declaration throughout the year.

In August the popular independent daily newspaper Vecherny Bishkek faced closure stemming from allegations that the newspaper's owner, Aleksander Kim, was guilty of tax evasion. Kim stated that the multiple inspections began after the newspaper carried interviews with several opposition politicians, including potential candidates in the 2000 presidential elections. Although the Government clearly used the tax issue to pressure Kim, the matter was complicated by a dispute within the newspaper for control. The militia and the tax authorities harassed Kim and his staff, but at year's end the newspaper continued to publish. The efforts of the Government to investigate the newspaper on charges of tax evasion and to probe the legitimacy of the purchase of the newspaper's building are continuing.

On the night of April 24, state security officers raided the new offices of the independent Kyrgyz language newspaper Asaba and erased all of its computer files. After an investigation, MNB claimed that the erased files were due to a compute virus, not a break-in. In August 1998, Asaba was evicted from its offices after renting space there for 32 years, and the MVD took over the building.

In March the newspaper Utro Bishkeka lost a defamation of character lawsuit to three deputies of the Parliament, and was forced to pay a total of approximately $1,700 (60,000 soms). In April the newspaper Res Publica was found guilty of defamation of character in a private suit brought by the president of the State Television and Radio Corporation and fined approximately $6,5000 (230,000 soms).

The Morals Commission, a presidentially appointed body of newspaper editors, university rectors, religious leaders, and public figures, was tasked in 1998 with reviewing the print and broadcast media as well as videos and other activity to determine whether their content was pornographic or violent in nature. Upon finding that an item was pornographic, the Commission was charged with requesting legal action to be taken against organizations and individuals violating its "decency precepts." In September 1998, the Morals Commission suspended three newspapers, Kartama-Digest, Limon, and Pajshamba. There were indications that the suspensions were motivated politically. Since the suspensions, only Limon has continued to publish, under an agreement that it will eliminate its pornographic content; however, this action was reduced drastically its circulation and economic viability. Although the Morals Commission was closed by presidential decree in January, a criminal case against Limon still is pending.

In December 1998, Parliament passed a law on advertising that limits the amount of advertising to 20 percent in print media and to 25 percent in broadcast media. This legislation may affect the revenue of the independent media.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to assemble freely; however, while the Government generally respects this right, officials, including those at local levels, sometimes use regulations that require registration of rallies and demonstrations to inhibit the exercise of this right. The law requires official written permission for holding assemblies, rallies, and demonstrations.

Permits are required for public marches and gatherings but are routinely available. Rallies and demonstrations are held regularly in front of the Government Building and in other places. Throughout the year, several peaceful protests were held outside the President's office. Those demonstrating included pensioners, political and human rights activists, and ethnic groups living in the country such as Uighurs and Kurds.

The Constitution provides for the right of association; however, while the Government generally respects this right, at times local authorities have inhibited it in practice. In June and July, local authorities in both Issyk Kul and Naryn oblasts disallowed several public meetings for representatives of the People's Party of Kyrgyzstan (see Seciton 3). Naryn oblast police arrested and fined parliamentary deputies who were discussing politics informally with citizens in a public place. They were charged with holding an illegal gathering (also see Sections 1.d., 2.a., and 3.).

The 1991 Law on Public Organizations, which includes labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. Excessive caution by some officials is a contributing element for the delay some organizations experience in registering. Ultimately, all organizations have been able to register, with the exception of an Uighur organization with the stated goal of creating an independent Uighur state in northwest China. The organization did not renew its attempt to register during the year.

In June Parliament passed a new law on nongovernmental organizations. This law separates NGO's from political parties, labor organizations, and religious organizations, and lowers the required number of members for registration. It also provides a tax exemption for grant recipients. The President signed this law into effect as of year's end.

In October 1998, the Ministry of Justice revoked the registration of the KHRC on the grounds that its registration application contained falsified documents. The revocation came while the chairman of the KHRC was lobbying against the October referendum to change the Constitution to privatize land and limit parliamentarians immunity in criminal cases. Subsequently, the KHRC was invited to reregister, but its chairman declined to do so at that time. In February the KHRC attempted to reregister but was denied due to alleged irregularities in its application. A few days later, another organization with the same name and headed by Sardarbek Botaliyev, an adversary of the KHRC's leader, Ramazan Dyryldayev, was registered by the Ministry of Justice. On June 11, a court administrator and a militia captain demanded that all KHCR office equipment and furniture be transferred to the new organization. However, in August the Government reregistered the original KHRC, and the group now operates freely.

c. *Freedom of Religion.*—The Constitution and the law provide for freedom of religion and the right of all citizens to choose and practice their own religion; however, the Government at times infringes on these rights. The Government does not support any one religion and expressly forbids the teaching of religion (or atheism) in public schools.

In 1996 the Government created a State Commission on Religious Affairs, officially in order to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. The Commission quickly became active and has overseen the registration of over 300 religious institutions, of which 210 are Christina denominations. In 1997 the President signed a decree that required all religious organizations to register with the Commission. Under the new regulations, each congregation must register separately. As previously, if a group wishes to own property, open bank accounts, and otherwise engage in contractual activities, it must become a legal entity by registering with the Ministry of Justice. In practice the Ministry has never registered a religious organization without prior registration by the Commission. There were no known instances during the year of the Commission refusing attempts by religious groups to register, although registration has been slow on occasion.

In June law enforcement officials broke up a Baptist service in Kyzyl Kiya, in the south. Several of the participants had crossed the border illegally from Tajikistan and Uzbekistan, and subsequently were returned to their countries. The religious commission stated that the religious group had not been registered, although it had been invited to do so several times, and that it was not associated with other Baptist churches, all of which have been registered.

Religious leaders note with concern that the Commission frequently uses the term "national security" in its statements. For example the Commission has expressed some concern about the destabilizing presence of Reverend Moon's Unification Church. The Unification Church currently is not active in the country, but it has a presence through the charity organization of Reverend Moon's wife. Religious leaders also worry that traditional religious groups could use references to "preserving interconfessional accord" to prevent smaller churches from registering. Both Christians and Muslims have expressed concern about the State's apparent intention to play a more intrusive role in religion. Ethnic Kyrgyz Christian congregations appear to face special barriers, as do some Muslim congregations with foreign support. A small Jewish congregation meets in Bishkek without a rabbi. The group also organizes informal cultural studies and humanitarian services, chiefly food assistance for the community's elderly.

A Roman Catholic Church in Bishkek functions unhindered. The Seventh-Day Adventist Church operates six churches in Bishkek, as well as several elsewhere in the country, without apparent hindrance.

Muslim leaders complain that the Commission on Religious Affairs makes decisions about religious events without consulting them. The Government considers radical Islam, whose followers it labels "Wahhabis," a threat to the country's stability. In late 1997 and throughout 1998, the Government intensified its campaign against orthodox Islamic believers. Anti-Wahhabi activities apparently abated during the year.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—In general government policy allows free travel within and outside the country; however, certain Soviet-era policies continue to complicate internal migration, resettlement, and travel abroad. Under the Soviet-era law still in force, citizens

need official government permission (a "propiska") to work and settle in a particular area of the country. Strictly speaking, the propiska affords the right to reside in a given city or region. In addition home and apartment owners legally can sell their property only to buyers with such permission. In practice many employers traditionally have refused to provide employment to any applicant residing illegally. However, this law has not been enforced recently. Persons now move within the country, purchase homes, and sell businesses without hindrance.

There is no law on emigration. Administrative procedures permit movement of persons; however, citizens who apply for passports must present a letter of invitation from the country they intend to visit or to which they intend to immigrate. In August a presidential decree stated that exit visa requirements would be abolished by October 1 and the law was implemented fully by year's end. Citizens can now travel abroad without an exit visa; however, some travelers may still be required to present a letter of invitation to validate their passport for international travel for their first trip abroad. After validation of the passport, travel is unrestricted. A Soviet-era law prohibits emigration within 5 years of working with "state secrets." No one is believed to have been barred from emigration under this statute during the year.

Emigrants are not prevented from returning to the country, and there is reportedly a small but steady flow of returnees.

The armed militants who crossed the border into southern Kyrgyzstan from Tajikistan, caused an estimated 5,000 Kyrqyz citizens to flee from their homes and left them internally displaced. All returned to their homes after the fighting ended.

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

The issue of first asylum did not arise during the year.

As of June, there were 13,240 refugees in the country. Of these 693 were from Afghanistan, and the remainder were from Tajikistan. Of the latter, about 80 percent were ethnic Kyrgyz, mostly from the Tajik cities of Murgab and Jirgital.

There were no reports of the forced return of persons to countries where they feared persecution or expulsion of those having valid claim to refugee status. During the year, there were no forced repatriation of Uighurs. The UNHCR assisted approximately 2,500 Tajik refugees to return to Tajikistan during the year.

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

The Constitution provides citizens with the right to change their government peacefully, but in practice citizens' ability to do so is limited.

The Constitution mandates presidential elections every 5 years. There is a two-term limit. The President was reelected to a second term in 1995 in a multicandidate election marred by irregularities. Parliamentary elections also are held every 5 years. In 1995 citizens elected a new Parliament in elections marred by irregularities. In 1996 a referendum was held that amended the Constitution to redistribute power within the Government. The referendum violated the Constitution in force at the time and the Law on Referendums. Voter apathy was high and turnout was low. The results were reminiscent of the Soviet era, with a reported turnout of 98 percent. Ballot stuffing was rampant, and family voting apparently was widespread.

The October 1998 constitutional referendum on land privatization, the structure of the Parliament, and the budget process also was marred by serious irregularities. The Government's claim that 96 percent of voters participated in the referendum was not in accord with participation rates witnessed by local and international observers. Observers also noted the persistent problem of family voting. The Government designed the ballot so that voters had to vote either in favor of all five amendments or against all five. This procedure created a dilemma for voters who were opposed to the provision for the privatization of land, which was very unpopular, but favored the other four, less controversial amendments. The referendum further enhanced the power of the executive at the expense of the legislature.

The amendments approved in the 1996 referendum strengthened the formal power of the President and his advisers, who dominate the Government. The Parliament and the judiciary tend to be subordinate to the executive branch but show increasing signs of independence, such as the overriding of presidential vetoes by Parliament. In comparison with 1996, when the Parliament passed 66 laws, it passed 158 laws in 1997 (of which the President signed only 143), and 159 laws in 1998, all of which the President signed. In 1999 Parliament adopted 184 laws, of which the President signed 160. Parliament overrode a presidential veto when the President refused to sign an amendment to the election code which did not shorten the minimum registration period of time that political parties must be registered in

order to participate in elections from 1 year to 6 months. In December 1997, Parliament delayed passage of the 1998 budget bill until reaching a compromise with the executive branch. The Parliament also delayed approval of the 1999 budget until reaching a compromise with the Government. The overwhelming majority of local government officials are still appointed by the President, but the first elections for local legislative bodies were held on October 17. The elections were flawed but were an improvement over the 1998 referendum.

In January 1998, President Akayev named two M.P.'s to executive positions. Both members continued to serve as deputies after they had assumed their new positions, which is a violation of the Constitution. However, one of them eventually left his executive position, and the other resigned from Parliament.

Political parties remain weak. There are 27 registered political parties. None of the winners of parliamentary by-elections in 1997 or 1998 had a party affiliation, and parties nominated very few candidates. Of the M.P.'s, fewer than half (46 of 105) claim party affiliation. There are 12 parties represented in Parliament, but voting seldom proceeds along strict party lines.

In June and July, local authorities in both Issyk Kul and Naryn oblasts disallowed several public meetings for representatives of the People's Party of Kyrgyzstan, one of the largest opposition parties. The officials set up roadblocks at the entrance to Karakol and did not permit the party representatives access to the city. Later, government authorities cited a law that requires 10 days' notice for public meetings. At year's end, the People's Party was considering an appeal. In Naryn oblast, two parliamentary deputies discussing politics informally with citizens in a public place were brought to court and charged with holding an illegal gathering; subsequently, they were fined (also see Sections 1.d., 2.a., and 2.b.). In the summer, President Akayev pressed to reduce the minimum registration period to allow political parties to participate in elections from 1 year to 6 months. Parliament declined to adopt his proposal. Parliament also passed a bill in October allowing all parties that have undergone the minimum registration period to participate in the February 2000 parliamentary elections.

Women and most ethnic minorities are underrepresented in government and politics. Only 3 of 105 parliamentary deputies are women. The only senior female executive branch official is the Minister of Justice. The Chief Justice of the Constitutional Court also is a woman. A woman's group has been formed to recruit, advise, and campaign for female candidates in the next parliamentary elections. Russians and Uzbeks are underrepresented in government positions, although Boris Silayev, an ethnic Russian, is currently the First Deputy Prime Minister.

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

A number of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, and government officials sometimes were responsive to their views. However, the Government deregistered the KHRC (an active organization that began protest activity during the campaign prior to the October 1998 referendum), immediately before the referendum (see Section 2.b.). After international protests, the KHRC was reregistered on August 19.

Activists sometimes allege that harassment originates within government circles.

The Organization for Security and Cooperation in Europe (OSCE) opened an office in Bishkek in January, and the Government generally supports its activities.

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

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including on the basis of language. The Government expresses a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women, but in practice has a mixed record.

Women.—Research conducted in 1996 on violence against women showed a noticeable increase in such incidents since independence. Activists note that rape is becoming more common. It is not clear if the incidence of rape or just the reporting of such attacks is becoming more common, but authorities often ignore such attacks. Government statistics indicate that annually there are 400 to 450 crimes against women, but many crimes never are reported due to psychological pressures, cultural restrictions, and apathy by law enforcement officials. The Government has not devised a program to deal with this problem, and the number of shelters of battered women is not increasing to meet the need. One shelter of relatively long standing in Tokmok still is searching for appropriate funding or a sponsor. The Umut (Hope) Center opened in January 1997 to provide basic protection as well as psychological,

legal, and medical counseling for battered women and girls. For example during the 3 years of its activity, the Umut Center has organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. In 1998 the director attributed the rise in the number of women visiting the shelter to the country's severe economic crisis, which has led to increased violence against women; 62 percent of women visiting the shelter are unemployed. Among those in the shelter, 92 percent are unemployed. Umut has received grants from the Soros Foundation and other foreign sources during the year.

In June 1997, the NGO Tendesh opened a crisis center in Naryn with a hot line to support women affected by violence. It provides psychological, legal, and medical assistance. Another center (Sezim) opened in April 1998 in Bishkek with a staff of lawyers, psychologists, and doctors, and operates a crisis hot line for the public. Staff members conduct training, debates, and seminars on women's rights and family planning.

Trafficking in women and girls for the purpose of forced prostitution is a growing problem (see Sections 6.c. and 6.f.).

The law gives equal status to women, and they are well represented in the work force, in the professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking. They also play an active role in the rapidly growing nongovernment sector. Nonetheless, recently deteriorating economic conditions have had a severe effect on women, who are more likely than men to lose their jobs. It is estimated that women account for 60 percent of the unemployed. Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners, who have felt the negative effects of the country's economic downturn as inflation has eroded pensions, which often are paid late. Women's groups express general concern about the situation of rural women. There are approximately 100 women's advocacy NGOs operating in the country with 20 located in rural areas. With the end of communism, traditional attitudes toward women are reasserting themselves strongly in the countryside, where women are relegated to the role of wife and mother, and educational opportunities are curtailed. Data indicate that women are becoming less healthy, more abused, less represented in government, less able to work outside the home, and less able to dispose of their earnings independently.

Family law prohibits divorce during pregnancy and while a child is younger than 1 year. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality is not always observed.

The women's advocacy NGO community is becoming increasingly organized. As a result of conferences held in 1999 an appeal was sent to the Government, Parliament, journalists, NGO's, and international organizations in support of women's rights.

Children.—The socioeconomic situation does not effectively ensure decent living conditions for all children. Basic needs for shelter, food, and clothing seldom are met. After independence vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affects a large number of children, especially in rural areas. Traditional social safety measures are now inadequate to cope with the social pressures that affect families, and in major cities, children regularly are observed begging or selling cigarettes. There are increasing reports of abandonment due to parents' lack of resources to care for children.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. However, the educational system has suffered material and financial hardships, and conditions continue to deteriorate due to an acute shortage of budgetary and material resources.

Human rights groups and the Kyrgyz Children's Fund (KCF) monitor the condition of children. Human rights groups note that children who are arrested usually are denied lawyers. Police often do not notify parents of the arrest, and neither parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions, and sometimes are placed in cells with adult criminals to frighten them.

The KCF is concerned about the growing number of street children, many of whom have left home because of abusive or alcoholic parents. Although numbers are hard to estimate, a 1-day sweep in 1997 through Bishkek led to a count of 700 children of school age working during school hours. Such sweeps are conducted two to

three times each year and about 30 to 70 children are found to be working. Similar conditions also exist in other urban centers, as well as in the countryside. The KCF has opened two shelters, one in Bishkek (for approximately 30 children) and one in Osh, to provide food, clothing, and schooling to such children. The Ak Zhol (Bon Voyage) center founded by a Dutch organization and UNICEF in 1996 was closed in August 1998, due to a lack of funds.

The forced marriage of underage girls has become more common, and the authorities often ignore this practice. Cultural traditions and social structures discourage victims from going to the authorities.

Children in rural areas commonly are called upon to pick crops as needed on their family farms.

People with Disabilities.—The Government passed the Law on Social Protection of Invalids in 1991 and adopted amendments in October 1998. The amendments provide for convenient access to public transportation and parking for the disabled; subsidies for mass media sources that make their services available to the hearing or visually impaired; and free plots of land to construct a home.

Social facilities for the mentally disabled are strained severely, as budgets have fallen and workloads remain heavy. In one program facilitated by foreign volunteers, local high school students have begun to visit special institutions, such as those for the mentally disabled.

National/Racial/Ethnic Minorities.—There are reported complaints of discrimination in the treatment of citizens who are not ethnic Kyrgyz. The most recent statistical data reflect the following ethnic percentages: 61.2 percent are Kyrgyz; 14.9 percent are Russians; 14.4 percent are Uzbeks; 1.1 percent are Tatars; 0.3 percent are Germans; and others are 8.1 percent. Members of the minorities allege discrimination in hiring, promotion, and housing. They complain that government officials at all levels favor ethnic Kyrgyz.

Russian-speaking Kyrgyz citizens (those who do not speak Kyrgyz) also allege that a ceiling exists in government employment that precludes their promotion beyond a certain level. The representation of ethnic Kyrgyz at senior and intermediate levels of government is disproportionately high, giving credence to perceptions that career opportunities in government are limited for those who are not ethnic Kyrgyz. There also were complaints about discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

The Constitution designated Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages used in the country. In 1996 Russian also was declared, by presidential decree, an "official" language for some purposes. However, lawyers and other officials noted that no legislation referred to official languages, so the status of Russian was no clearer than previously. However, increasingly Kyrgyz is replacing Russian, and the Government has announced that by 2002 all government documents are to be in Kyrgyz. In 1997 a draft law declaring Russian an official language was declared constitutional by the Constitutional Court. However, to date, the law has been stymied in Parliament. Nevertheless, as a result of these efforts to improve the status of Russian, as well as difficult economic conditions in Russia, Russian emigration has declined significantly, with some ethnic Russians returning. University education is carried out largely in Russian (although Kyrgyz instruction is available in some departments in some universities, where textbooks are available), so that Russian-language capability remains an important skill for those who wish to pursue higher learning.

Section 6. Worker Rights

a. *The Right of Association.*—The 1992 Labor Law provides for the right of all workers to form and belong to trade unions, and there is no evidence that the Government has tried to obstruct the formation of independent unions. The Federation of Trade unions of the Kyrgyz Republic, the successor to the formal official union, remains the only trade union umbrella organization in the country, although unions are not required to belong to it. The Federation forms one part of a bilateral commission, along with the Cabinet. Each year the two parties sign an agreement on "cooperation." There is one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000. Precise numbers for the Federation's membership are not available, but it is significantly larger than other unions.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. The Federation still regards itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and

with other foreign unions. Growing numbers of smaller unions are not affiliated with the umbrella organization.

The law calls for practices consistent with international standards.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse generally directed at unions or individual workers. There were small strikes of short duration by teachers and bus drivers.

The law permits unions to form and join federations and to affiliate with international trade union bodies. Since independent unions are still in their infancy, no meaningful affiliation with international trade union bodies has taken place.

b. *The Right to Organize and Bargain Collectively.*—The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there is growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no recorded instances of discrimination against anyone because of union activities.

There are Free Economic Zones (FEZ's) that can be used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ's.

c. *Prohibition of Forced or Compulsory Labor.*—The law forbids forced or compulsory labor, as well as forced or bonded labor by children, and generally it does not occur; however, women and girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 18 years. Students are allowed to work up to 6 hours per day in summer or in part-time jobs from the age of 16. The law prohibits the use of child labor (under the age of 16); the Ministry of Education monitors enforcement. However, families frequently call upon their children to work to help support the family, and many children work as beggars and street vendors (see Section 5). Forced and bonded labor by children is prohibited and generally does not occur; however, girls are trafficked for the purpose of forced prostitution (see Section 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—The Government mandates a national minimum wage at a level theoretically sufficient to assure a decent standard of living for a worker and family. The legal minimum wage is about $2.50 (100 soms) per month. In practice this wage is considered insufficient to ensure a decent standard of living for a worker and family, and therefore industries and employers set the actual minimum wage as a multiple of the national minimum wage. The Federation is responsible for enforcing all labor laws, including the law on minimum wages. Minimum wage regulations largely are observed. However, enforcement of labor laws is nonexistent in the growing underground economy. Market forces help wages in the unofficial sector to keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories are poor. Despite the recent improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. A 1992 law established occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these measures, but the previous economic deterioration in the country has made the compliance record of businesses uneven. Workers have the legal right to remove themselves from unsafe working conditions, and workers who choose not to work in an unsafe environment may find employment elsewhere. In practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, but only if informal methods of resolution failed.

f. *Trafficking in Persons.*—Trafficking in women and girls, mostly to Turkey and the United Arab Emirates, for the purpose of forced prostitution is a growing problem. Several media articles have raised public awareness. The Ministry of Tourism and Sports monitors all reported cases of trafficking in women. However, there are reports that officials may receive bribes in exchange for forged travel documents for the women. Russian border guards operating on the Tajik borders also allegedly were complicit in trafficking.

LATVIA

Latvia is a parliamentary democracy, which regained its independence in 1991 after more than 50 years of occupation by the Soviet Union. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament (Saeima). The Saeima elected Vaira Vike-Freiberga to a 4-year term in June. The October 1998 elections for the 100-seat Parliament and the national referendum for amending the Citizenship Law to meet European standards were free and fair. The judiciary is independent but not well-trained, efficient, or free from corruption.

The security apparatus consists of: The national police and other services, such as the Special Immigration Police and the Border Guards, who are subordinate to the Ministry of Interior; municipal police under local government control; the military Counterintelligence Service and a protective service under the Ministry of Defense; and the National Guard, an element of the national armed forces, which also assists in police activities. Civilian authorities generally maintain effective control of the security forces. The Constitution Protection Bureau (SAB) is responsible for coordinating intelligence activities. However, Interior Ministry forces, municipal police, and intelligence personnel sometimes acted independently of central government authority. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

The economy is oriented toward the private sector. Almost all agricultural land is farmed privately. Three large enterprises (shipping, telecommunications, and energy) are schedule to be privatized, but had not been by year's end. The currency remained stable and traded freely; unemployment was 10 percent, up from 8.6 percent in 1998; and annual inflation was 1.9 percent, down from 2.8 percent in 1998. Per capita gross domestic product was approximately $2,612, continuing its increase that began in 1996.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, problems remained in certain areas. An inebriated policeman killed two persons. Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force; police and prison officers beat and mistreated detainees and inmates. In most instances, the Government took disciplinary measures against those responsible. Prison conditions remained poor. The inefficient judiciary did not always ensure the fair administration of justice. Women are discriminated against in the workplace. Domestic violence, trafficking in women (including minors), and child prostitution and abuse, are significant problems.

In March the National Rights Office (NHRO) established an advisory council, which includes representatives from human rights nongovernmental organizations (NGO's). In April NHRO director Olafs Bruvers survived a vote of no confidence in the Saeima but the office continues to suffer from poor funding and a lackluster image. In July newly elected President Vike-Freiberga returned the proposed new language law to the Parliament for additional review, citing the law's inconsistency with the country's international obligations. The revised law, which met these standards, was passed on December 9.

RESPECT FOR HUMAN RIGHTS

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

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

In March a member of the security police shot and killed two persons and injured three other persons during a bar fight in Jelgava. In October he was sentenced to 20 years in prison; he appealed to the Supreme Court, and at year's end, the appeal was pending (see Section 1.c.).

On April 20, a regional court convicted two soldiers based in Aluksne of manslaughter after they beat a local resident to death during a street brawl in August 1998. One soldier received a 3-year prison sentence and the other a 1-year sentence. Three others subsequently received lesser sentences. An additional four soldiers were disciplined administratively and fined by the armed forces.

In 1997 unknown assailants shot and killed Janis Riba, the leader of the ultranationalist group Aizargi. Riba's followers claimed that the killing was politically motivated; others speculated that rivals within the ultranationalist movement committed the murder. A police investigation continued at year's end.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, there were credible reports that police and prison personnel beat and mistreated prison inmates.

Several incidents were reported in which police officers shot civilians, including one incident in Jelgava in March when an officer under the influence of alcohol killed two persons and wounded three others in a bar (see Section 1.a.). Criminal charges were filed against the police officer. No military hazing incidents were reported during the year.

Prison conditions remained poor, although human rights groups noted some improvements during the year. Prison cells often are overcrowded severely. Inadequate sanitation facilities, persistent shortages of blankets and medical care, and insufficient lighting and ventilation are common problems, as is the shortage of resources in general. Detainees complain that they are subject to physical and psychological intimidation by prison guards. Most jails badly need renovation. The Government has taken some steps to upgrade certain facilities. Ministry of Interior personnel stated that prisoners accused of crimes spend an average of 1 year in prison before trial, but many have been there much longer. Human rights groups are alarmed by the increasing number of drug-resistant tuberculosis cases in the prisons, and the government has received assistance from several foreign organizations to address this problem. the government also has stated its intention to continue renovations as rapidly as its limited finances allow and has embarked on a program to upgrade the prison guard force by replacing the draftees who now perform such duties with full-time professional guards. As of January 2000, the prisons are scheduled to be administered by the Justice Ministry.

In conjunction with the Soros Foundation and the NHRO, the Ministry of Interior continued its programs for educating police officers in human rights matters. In June a local NGO established a free legal advisory service for prisoners and others who believe that they were victims of police abuse (see Section 4).

Detention facilities for asylum seekers improved with the opening of Mucinieki center in November 1998 (see Section 2.d.).

The situation for some imprisoned children, who are not always separated from adults, remained poor. Children as young as 14 years of age were kept in unsanitary conditions, and suffered from diseases and deprivation. Both boys and girls are subject to violence and possible sexual abuse. Educational facilities are poor or nonexistent.

The Government permits human rights monitors to visit prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—The law requires the prosecutor's office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. There were no known instances of arbitrary arrest. The responsibility for issuing arrest warrants was transferred from prosecutors to the courts in 1994. No detainee may be held for more than 18 months without the prosecutor presenting the case to the defendant and the court. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. There were credible reports that these rights are not always respected in practice, especially outside of Riga.

The law prohibits forced exile, and there were no reports of its use.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. However, the courts must rely on the Ministry of Justice for administrative support, and the judiciary is not well trained, efficient, or free from corruption.

The Supreme Court does not have a clearly established right to rule on the constitutionality of legislation or its conformity with the country's international obligations; however, in 1997 a constitutional court was set up to fulfill these functions. The seven-judge panel is authorized to hear cases at the request of state institutions (the President, Cabinet, Prosecutor, Supreme Court, local governments, or one-third of Saeima members) but not of individuals or courts. A project is currently underway to expand the jurisdiction of the Constitutional Court to include referrals from lower courts.

The Government continues to reform the judicial system. In 1995 it completed the establishment of regional courts to hear appeals of lower court decisions. For more serious criminal cases, two lay assessors join the professional judge on the bench. Corruption in the judicial system reportedly is widespread. In 1997 the judges appointed to preside over the trial of the president of the collapsed Bank Baltija, Aleksander Lavent, resigned from the case, citing alleged political pressure from the Government. The accusation came after the judges released Lavent to house arrest following a heart attack that he suffered in the courtroom on the first day of the trial. In December 1998, the courts determined that Lavent had recovered his

health, and he was returned from house arrest to prison. The trial of Lavent and his alleged accomplices resumed briefly in the fall, but it was suspended again at year's end.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the lack of an effective bailiff or sheriff system. In April a new criminal law went into force, which allows for more availability of alternative punishments, including community service.

Court decisions are not published systemically, nor is there a centralized index for those that are published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State will lend funds to destitute defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may offer witnesses and evidence to support their case. They may also make multiple appeals of adverse verdicts.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires that law enforcement authorities have a judicial warrant in order to intercept citizens' mail, telephone calls, or other forms of communication. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible reports of the unsanctioned taping of the telephone conversations of public officials.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The 1991 Press Law prohibits censorship of the press or other mass media. Most newspapers and magazines are privately owned. Newspapers in both Latvian and Russian publish a wide range of criticism and political viewpoints.

A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of people receiving satellite television broadcasts continued to increase.

The Law on the Media, revised in October 1998, contains a number of restrictive provisions regulating the content and language of broadcasts. No less than 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language. However, these provisions are not always implemented. In addition foreign investment may not exceed 20 percent of the capital in electronic media organizations.

On November 9, the Riga District Court announced guilty verdicts against 10 former Soviet soldiers from the special forces unit OMON who participated in attacks on government buildings and the headquarters of Latvian Television in 1991. Seven of the men received suspended sentences of between 1 and 4 years and probation of up to 3 years; the other three were not sentenced. Five other former OMON officers have been charged; they are presumed to be in Russia and are expected to be tried in absentia.

There are no restrictions on academic freedom.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for peaceful assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. In January 1997, the Saeima passed legislation on public demonstrations that requires protesters to remain specified distances from foreign missions, the Saeima, the Prosecutor's office, and certain other public institutions. While the law purports to imitate Western European statutes, independent human rights organizations in Latvia find its provisions contradictory and confusing. Numerous public meetings and political demonstrations took place without government interference, including a reunion of the Latvian Legion (veterans of the German army in World War II), commemorations of the Red Army victory in World War II, protests against the proposed language law by Russians celebrating the 200th anniversary of the birth of Pushkin, trade union marches against the new pension law, and demonstrations in front of NATO embassies against NATO actions in Kosovo.

The Constitution provides for the right to associate in public organizations; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. On March 11, the Parliament rejected a proposal by a parliamentary group that would have allowed noncitizens who are permanent residents of the country to form political parties. However, noncitizens can join and form political parties, but there must be at least 200 citizens in the party and at least half of the total mem-

bership must be citizens. More than 40 political parties are officially registered. Noncitizens are prohibited from forming political organizations.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Although the Government does not require the registration of religious groups, the 1995 Law on Religious Organizations accords religious organizations certain rights and privileges only if they register. Under this law, the Justice Ministry has registered over 1,000 religious congregations, including congregations of the Church of Jesus Christ of Latter-Day Saints, whose previous lack of official registration had created difficulties in obtaining visas and residence status. Any citizen or permanent resident included in the inhabitant's register may register a religion. However, asylum seekers, foreign embassy staff, and those in the country temporarily or in special status cannot register a religious organization. Churches denied registration include the Latvian Free Orthodox Church, the Church of Christian Scientists, and the Rock of Salvation Church.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite them to carry out such activities. Foreign religious denominations have criticized this provision.

The Law on Education stipulates that religious education may be provided to students in public schools on a voluntary basis only by representatives of Evangelical Lutheran, Roman Catholic, Old Believer, Jewish, Baptist, and Orthodox religious organizations. Students at state-supported national minority schools may also receive education in the religion "characteristic of the national minority." Other denominations may provide religious education in private schools only.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There are no obstacles to freedom of movement within the country, departure from it, or repatriation of citizens. Latvia has readmitted noncitizens who claimed refugee status in a foreign country, or who voluntarily abandoned their permanent residence, and then decided to return to the country to live and work. Noncitizens who left the country as refugees based on Soviet-era persecution have no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The 1995 Law on the Status of Former Soviet Citizens stipulates that registered permanent resident noncitizens enjoy the rights to establish and change residences, travel abroad, and return to the country. Noncitizens can be granted amnesty. However, certain rights are denied to noncitizens. Noncitizens are prohibited from working as private detectives, armed guards, or certified attorneys. Noncitizens may own land in urban areas without undue complications but in rural areas only under complex procedures. The law also provides for the issuance of a noncitizen travel document verifying these rights. In April 1997 the CID began issuing a more secure aliens' passport to noncitizens. The slow pace in issuing aliens' passports led to public protests in March 1998, after which the Government took steps to sped the process. The CID was renamed the Citizenship and Migration Affairs Office and was reorganized in an effort to make it more streamlined and efficient. The NHRO and other human rights groups have noted its improved performance. The Government also completed the gradual phasing out of former Soviet external passports, which are no longer valid for travel to and from Latvia as of December 31, 1998.

As of September 1, 11 asylum seekers were housed at the Mucinieki refugee center. At the Olaine detention center, which does not house asylum seekers, 23 aliens await a determination of their immigration status. An additional 33 persons, mostly criminal aliens, are housed at the Gaizina center. Twenty of these persons staged a hunger strike in April 10 to protest the poor living conditions. The situation at Gaizina remains of concern. The Government is attempting to move this center to better facilities.

The Government works closely with the U.N. High Commissioner for Refuges, and the law on Asylum Seekers and Refuges complies with all provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Special immigration police and border guards units are to help prescreen asylum requests. Decisions from the Citizens and Migration Affairs Office can be appealed to an asylum appeals board in the Ministry of Justice.

The issue of provision of first asylum did not arise during the year and never has arisen.

According to statistics provided by the immigration police during the year, 1,541 aliens were detained for questioning. Of those, 222 were deported and 122 departed voluntarily. The Government has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which poses a major barrier to effective

control of the eastern border. However, at year's end, the arrangements had not been concluded.

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

Citizens have the right to change their government. There were free and fair elections for Parliament in 1998, and in June the Parliament elected a national president. In the 1998 election, candidates from 6 of the 21 participating parties, representing a broad political spectrum, won Saeima seats, and 72 percent of eligible voters participated. Concurrently, 68 percent of the electorate participated. Concurrently, 68 percent of the electorate participated in a popular referendum on revising the Citizenship Law.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991, or who worked for such institutions as the KGB from seeking elected office. It also let stand provisions preventing noncitizens from voting in local elections.

On December 15, the Supreme Court upheld a regional court decision that the extreme Russian nationalist of the Equal Rights movement and Riga city council deputy Tatyana Zhdanok was not eligible to run for public office due to her Communist past. the Riga City Council annulled her election, but Zhdanok said that she would appeal the decisions and accused the prosecutor's office of fabricating evidence that she was engaged actively in the Communist Party after January 13, 1991.

In June the Parliament fulfilled its constitutional responsibility to elect an individual to serve as president. The Saeima chose Vaira Vike-Freiberga freely in a secret ballot.

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence the status of approximately 670,000 persons changed from citizens of the Soviet Union to noncitizen residents in Latvia. Owing to the Russification policy pursued during the Soviet era, ethnic Latvians constitute 56 percent of a total population of 2.5 million, and 78 percent of citizens. Ethnic Latvians do not constitute a majority in seven of the eight largest cities. Citizens of other ethnic origins number approximately 400,000, of which almost 300,000 are Russian.

The 1998 Latvian Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as personnel. the law requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to Latvia. At present, according to Naturalization Board figures, nearly 95 percent of applicants pass the citizenship tests on the first attempt.

In addition the October 1998 referendum brought the law into compliance with Organization of Security and Cooperation in Europe (OSCE) standards. Children of noncitizens born after August 1992 are entitled to citizenship upon application.

International observers, including the resident OSCE mission, credit the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law. In the estimation of the NHRO, the OSCE, and various NGO's, the Board has sought to apply the law fairly. Since the removal of the restrictive naturalization "windows" in November 1998, the number of citizenship applicants has increased significantly. Nearly as many persons applied for citizenship from late 1998 to October as in the previous 3 years combined. According to the Naturalization Board, 13,031 noncitizens submitted naturalization applications in the past 11 months. In contrast 13,814 persons applied for citizenship between January 1995 and November 1998. Overall, 19,728 of the country's 640,000 noncitizens have naturalized since the process began in 1995. The Naturalization Board still is processing another 7,000 applications. More than 66 percent of applicants are women; 21 percent of all applicants are in their forties.

International experts, government officials, and domestic human rights monitors agreed that Latvia must continue to place high priority on and devote sufficient resources to implementing the citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration. Working with the European Union and the U.N. Development Program, the Government also has implemented a long-term nationwide Latvian Language teaching program for adults and children in non-Latvian schools.

There are no ethnic restrictions on political participation. Nonethnic Latvians, including ethnic Russians and the First Roma deputy in the Saeima, serve in various elected bodies. Noncitizen residents (the majority of whom are ethnic Russians) may not vote in local or national elections. Women still generally are underrepresented in government and politics. There are 20 women in the 100-member Saeima. One

woman is a member of the Cabinet of Ministers. For the first time, the President of the country is female.

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

A growing number of NGO's devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, operate without government restriction. Several organizations deal with issues of concern to local noncitizens and other nonethnic Latvians, presenting them to the courts and the press.

The Government demonstrated a willingness to engage in dialog with NGO's working on human rights issues. The Government continued to implement its national program for the protection and promotion of human rights, which was adopted in 1995 based on the recommendations of key international organizations. A resident OSCE mission continued to operate with a mandate to "address citizenship issues and other related matters."

The NHRO remained an independent institution with a mandate to promote human rights, provide information on human rights, inquire into individual complaints, and initiate its own investigate into alleged violations. However, its reputation has been tarnished badly by infighting between its permanent director, Olafs Bruvers, and members of his staff; by charges from international institutions, including its primary funder, the U.N. Development Program, that the Office has become inefficient and politicized; and by calls from international critics and domestic policymakers, including the Prime Minister and Foreign Minister, that Bruvers step down. In April Bruvers survived a vote of no confidence in the Saiema.

In June a foreign-funded local NGO received a grant to begin to operate a legal assistance center for those complaining of human rights abuses. The staff visits prisons and provides free legal counseling and representation to those who seek assistance in cases of police abuse (see Section 1.c.).

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

According to the 1922 Constitution, all citizens are equal under the law. In October 1998, the Saeima passed amendments to the Constitution, granting constitutional protections to fundamental human rights. The amendments supersede provisions of the 1991 Constitutional Law, which had served in the interim, and contain constitutional provisions for the exercise of the freedoms of speech, religion, association, the press, and other basic liberties. The amendments also provide protections from discrimination regardless of race, sex, religion, language, or disability. Only citizens can vote or hold government office. There are some restrictions on land purchases by noncitizens.

Women.—Despite legal protections, international observers and human rights groups are growing increasingly concerned about problems facing women. Although no overall statistics are available, sources indicate that domestic violence against women, often connected with alcohol abuse, is a significant and underreported problem. Women who are victims of abuse often seem to be uninformed about their rights and reluctant to seek redress through the justice system. Human rights groups assert that the legal system, including the courts, tends to downplay the seriousness of domestic violence and that the police are sometimes reluctant to make arrests in such cases.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. Likewise, there are no specific rape or assault hot lines; however, there are two crisis hot lines managed by NGO's.

Police do not compile figures for domestic violence as a distinct category. Instead, episodes are placed under more general categories such as assault or battery. However, police figures on rape show a decrease in rape cases over the past 3 years. During the year, 69 cases were reported.

Both adult and child prostitution are widespread, often linked to organized crime, and abetted by economic problems. Prostitution in Riga is increasing, and trafficking in women for prostitution abroad also is increasing (see Section 6.f). Although there is no official estimate of the number of prostitutes, unofficial figures suggest that 10,000 to 15,000 persons work as prostitutes. The NHRO reports that adult prostitutes have no legal protections. Engaging in prostitution is technically against the law; however, generally neither the prostitutes nor their clients are prosecuted. There are no state institutions to assist prostitutes. However, the private Latvian Center for Gender Problems provides medical help and social support for prostitutes.

Sexual harassment of women in the workplace is reportedly common. Cultural factors tend to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon between the Cabinet and labor unions. Moreover, the code bans employment discrimination. In reality women frequently face hiring and pay discrimination, especially in the emerging private sector. According to the Central Statistics Bureau, the number of women in the lower income brackets exceeds that of men by 75 percent, while men outnumber women two to one in upper income levels. It is not unusual to see employment advertising that specifically seeks men. Women apparently have not brought any discrimination suits before the courts. The Ministry of Welfare has designated a one-person office with responsibility for gender issues.

Women's advocacy groups are growing in size and number. They are involved in finding employment for women, lobbying for increased social benefits, assisting victims of domestic abuse,and opposing the hazing of military recruits.

Children.—In June 1998, the Government adopted the Law on the Rights of the Child. In March the Cabinet of Ministers adopted the first annual National Program for the Improvement of the Situation of Children. The program included state funds for implementation. In December the Cabinet adopted the National Program for Preventing Sexual Violence Against Children for 2000–04. The National Center for the Protection of the Rights of the Child will supervise its implementation.

Evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread, as is child prostitution. An estimated 12 to 15 percent of prostitutes are considered juveniles, that is, between the ages of 8 and 18. Although in theory the Constitution and the Law on the Rights of the Child protect children, these rights only are enforced sporadically in the case of child prostitutes. Schooling is mandatory and free through the ninth grade, that is, between the ages of 7 and 16. Despite the existence of laws on mandatory education, truancy is widespread and growing. A few children's advocacy groups are active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

The Law on the Right of the Child and the constitutional provisions on children are based on Western European models and provide various protections, including health care and legal protections against physical abuse. However, resources are not adequate to enforce observance of these provisions.

Although legislation has long provided for the establishment of special institutions for the rehabilitation and vocational training of juvenile offenders, the Government has made only sporadic efforts to reduce the number of juveniles who are housed in adult prison facilities, but who have committed relatively minor offenses.

There is no societal problem of abuse of children. Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

Trafficking in young girls for forced prostitution abroad is increasing (see Section 6.f.).

People with Disabilities.—Part Two of the Constitution protects the disabled against discrimination; the 1992 Law on the Medical and Social Protection of Disabled provides for their right of access to public facilities. Provisions in the Labor Law and other laws protect the disabled from bias in the workplace and from job discrimination. In June 1998, the Cabinet of Ministers adopted a framework document entitled "Equal Opportunity for Everyone." The document is designed to coordinate the efforts of all branches of government in assisting the disabled. The Government supports special schools for disabled persons. It does not enforce uniformly a 1993 law requiring buildings to be accessible to wheelchairs, and most building are not. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

Religious Minorities.—There was no progress reported in apprehending the perpetrators of the 1995 bombing of a Riga synagogue. In April 1998, another bomb exploded at the synagogue, causing considerable property damage. Then President Ulmanis, the Prime Minister, and others condemned the bombing and enlisted the assistance of foreign experts in the investigation. The Government also fired the State Police chief and other ranking police and Ministry of Interior officers for failing to protect the synagogue. In June 1998, two youths were arrested for painting anti-Semitic slogans on a wall opposite the synagogue. The youths were charged with hooliganism, but the Prosecutor returned the case to the police for further investigation, which remained pending at year's end. In 1998 there also were incidents in Liepaja and other locations in which Jewish monuments were defaced. In

April an explosive device left at the Jewish Holocaust memorial at Rumbula just outside the city of Riga caused minor damage. Police have not yet identified the culprits.

In 1998 a politician belonging to Latvia's largest nationalist party, For Fatherland and Freedom, republished a Nazi era, anti-Semitic book, "The Horrible Year." (The book also appeared for sale in the party's bookstores in Riga, although party leaders claimed that they had not authorized its sale there.) The Government criticized the contents of the book and its reissuance and called on the State Prosecutor's office to investigate whether the book's publication violated the law. It subsequently was determined that technically it did not. Nevertheless, the leadership of For Fatherland and Freedom expelled the publisher of the book from the party.

In July then President Guntis Ulmanis convened the first meeting of the Latvian Historical Commission. Historians from five western countries attended. The Commission established four task forces to study key historical developments of World War II and the postwar period. These are: the Holocaust; the first Soviet occupation; the Nazi occupation, excluding the Holocaust; and the second Soviet occupation. Mechanisms are being established for historians to hold seminars with Latvian history teachers to improve teaching at the secondary level about the Holocaust.

National/Racial/Ethnic Minorities.—Of the country's more than 2.5 million inhabitants, approximately 1.1 million persons are of non-Latvian ethnicity, including more than 765,000 ethnic Russians, 100,000 ethnic Belarusians, almost 70,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 70 percent of Latvia's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 687,000 noncitizens, of which an estimated 65 percent are Russian; 12 percent, Belarusian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians.

The law provides for the basic human rights of noncitizens. It provides noncitizens who have been permanent residents continuously since July 1, 1992 with the rights to change residence, leave and return, and invite close relatives to join them for the purpose of family reunification. The law also provides for the issuance of travel documents reflecting these rights. It also requires the registration of noncitizens regardless of their housing status, helping to resolve cases of persons previously unregistered because they lived in former Soviet military or dormitory housing. The country's housing patterns now are based on private, rather than communal, ownership of property; no new cases involving this provision of the law were reported during the year. However, the Government has maintained the Soviet-era practice of requiring the holder's ethnicity to be printed in the passport. Groups such as Roma and Belarusians have complained that, because the passport is a basic form of identification in the country, this requirement has opened them to various forms of discrimination based on ethnicity.

In May 1998, the Cabinet of Ministers amended the regulations that distinguished between citizens and noncitizens in calculating social benefits. Various laws still prohibit the employment of noncitizens in certain categories. These include restrictions on noncitizen employment as armed guards, private detectives, and certified attorneys. The NHRO found most of these practices to be consistent with the international standards and practices that allow a state to limit government employment, political participation, and some property rights to those persons who are citizens.

On July 8, the Saeima passed revisions to the Language Law. The most controversial points in the Language Law, which did not meet international standards, were articles requiring that all public events be held in Latvian and that all billboards and signs in public places be displayed in Latvian only. President Vike-Freiberga sent the law back to the Saeima for revision on July 14. The revised law, which met international standards, was passed on December 9. OSCE experts worked closely with the Saeima on revisions to the Language Law that would bring it to international standards.

Some ethnic Russians also have complained of discrimination resulting from the property laws, which allow individual noncitizens to own rural land only under complicated procedures. Moreover, noncitizens were given fewer privatization certificates (which can be used to purchase shares of stock and to privatize apartments and land) than were citizens. However, the law allows land ownership by companies in which noncitizens own shares. The local Russian media and the Russian Government also voiced concern about acts of vandalism against Soviet army war memorials and cemeteries. There was no progress in the investigation of the April 1998 bomb near the Russian Embassy or the anti-Russian statements published by the For Fatherland and Freedom party. In July 1998, the police arrested Vilis Linins, the chief ideologue of the ultranationalist "Thundercross" organization, which was

suspected of terrorist attacks against Soviet memorials and other targets. Linins was charged with sabotage and illegal possession of explosives and was awaiting trial at year's end. The two persons killed in the blast were the bombers. The "Thundercross" organization no longer exists.

For the time being, the Government has agreed to continue using Russian as the language of instruction in public schools where the pupils are primarily Russian speakers. It also supports schools in eight other minority languages. However, under the revised Education Law, the Government has begun to implement a bilingual education program at the elementary school level. The goal of this program is to facilitate the eventual transition to Latvian language secondary schools by the year 2004. Although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there are shortages of qualified teachers.

Most state-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a Latvian language entrance examination. However, there are several private institutions offering higher education in Russian.

Throughout the year, the Board of Naturalization sponsored a "town meeting" process to discuss the Government's proposed action plan for social integration, presented by the Integration Council, composed of representatives of the country's various ethnic groups. The revised plan was approved by the Government in December. The report is scheduled to be followed by specific programs to promote social integration, including extensive language training programs.

Section 6. Worker Rights

a. *The Right of Association.*—The Law on Trade Unions mandates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing. Union membership is currently about 30 percent of the work force. Free elections for union leadership are held every 4 years. In general the trade union movement is undeveloped and still in transition from the Socialist to the free market model.

The law does not limit the right to strike. There were several protests by trade unions during the year, including a major protest against the pension reform, which was attended by over 2,000 persons. The trade unions organized the collection of signatures for the planned referendum on the pension law. The remaining state-owned enterprises (shipping, energy, and telecommunications) have not faced strikes, wage payment arrears, or any major labor problems in recent years. Almost all other businesses now are owned privately. The law bans dismissal of employees who have invoked the right to strike. There have been no reported cases of such dismissals.

Unions are free to affiliate internationally and have established contacts with European labor unions and international labor union organizations.

b. *The Right to Organize and Bargain Collectively.*—Labor unions have the right to bargain collectively and are largely free of government interference in their negotiations with employers. The law prohibits discrimination against union members and organizers. However, some emerging private sector businesses threaten to fire union members. These businesses usually provide better salaries and benefits than are available elsewhere. The Government's ability to protect the right to organize in the private sector is weak.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and it generally is not practiced. Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate enforce this ban. However, trafficking in women (including minors) for prostitution abroad is increasing (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours. The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. Children are required to attend school until age 16. Schooling is free until age 18. State authorities are lax in their enforcement of child labor and school attendance laws. There generally is no evidence of forced or bonded labor involving children, which is prohibited by law (see Section 6.c.); however, trafficking in young girls for prostitution abroad is increasing (see Section 6.f.).

e. *Acceptable Conditions of Work.*—The Government raised the monthly minimum wage to about $86 (50 Lats), far below the amount that trade union officials describe as the bare minimum for survival. The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of

annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace, but these standards frequently are ignored. Workers have the legal right to remove themselves from hazardous work situations, but these standards also frequently are ignored in practice.

f. *Trafficking in Persons.*—Although there are no specific laws prohibiting trafficking in persons, the Government uses laws against prostitution, pornography, and illegal transport of persons across borders to fight such abuses.

There were instances of trafficking in women for purposes of forced prostitution. Prostitution is increasing in Riga, and there is evidence that trafficking in women (including minors) for prostitution abroad also is increasing. The country is primarily a source or transit country rather than a destination. On May 18, representatives from youth health centers met at the Nongovernmental Organization Center in Riga to discuss problems related to sexual abuse and trafficking. The Government participates in the Council of Baltic Sea States task force on organized crime, which is addressing the trafficking of persons.

LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy and a parliamentary democracy. The reigning Prince is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. The Parliament elects and the Prince appoints the members of the Government and of the independent judiciary.

The Interior Ministry effectively oversees the regular and auxiliary police forces. There is no standing military force.

Liechtenstein has a prosperous, highly industrialized, free-enterprise economy with a vital service sector. It participates in a customs union with Switzerland and uses the Swiss franc as its national currency. A member of the European Economic Area (EEA), its 32,000 citizens enjoy a very high standard of living. Unemployment was only 1.7 percent during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is working to eliminate societal discrimination against women.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other cruel punishment, and there were no reports of the use of such methods.

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

d. *Arbitrary Arrest, Detention, or Exile.*—The law provides for freedom from arbitrary arrest and detention, and the authorities honor these provisions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate, who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing, at no cost if they are indigent. Release on personal recognizance or bail is granted unless the examining magistrate has reason to believe the suspects are a danger to society or will not appear for trial.

There is no provision for exile, and it does not occur.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary. The judicial system has three tiers: Lower court, high court, and Supreme Court. In addition an Administrative Court hears appeals against government decisions. Also, the State Court protects the rights accorded by the Constitution, decides on conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for public trials and judicial appeal, and the authorities respect these provisions.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince can take such action only if the Parliament requests it.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for personal liberty and for the inviolability of the home, postal correspondence, and telephone conversations. No violations were reported. Police need a judicial warrant to search private property.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press. Two daily newspapers are published, each representing the interests of one of the two major political parties, as is one weekly newsmagazine. One state and one private television station broadcast, along with a private radio station, and residents freely receive radio and television broadcasts from neighboring countries. An information bulletin is also issued by the third party (Freie Liste) represented in Parliament.

The Government respects academic freedom.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the authorities do not interfere with these rights in practice.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. The relationship between the Government and the Catholic Church currently is being redefined, and a new agreement is scheduled for 2002. The Government contributes to the Catholic Church, as well as to other denominations. The finances of the Catholic Church are integrated directly into the budgets of the national and local governments. Catholic or Protestant religious education is compulsory in all schools, but the authorities routinely grant exemptions for children whose parents request them.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens have unrestricted freedom to travel in the country, to emigrate, and to return.

The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Government provides first asylum, but the country's lack of an airport or international train station means that it receives few requests. However, since passage of an asylum law in 1998, the number of requests increased. Those persons who enter from Austria without permission still are returned to Austrian authorities in accordance with a bilateral agreement.

In view of the situation in Kosovo, in April the Government decided that children under age 20 and spouses of guest workers from Kosovo could enter the country on request. By September the Government granted temporary protective status to 426 Kosovar refugees. In September the Government set May 31, 2000, as the deadline for their repatriation. In coordination with the Swiss Federal Office for Refugee Matters, the Government grants financial and material aid to those who return to Kosovo voluntarily; by September 210 refugees already indicated their willingness to return.

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

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

Liechtenstein is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage is universal for adults over age 20, and balloting is secret. Political parties operate freely. Citizens regularly vote on initiatives and referenda.

Women are underrepresented in politics and government, although since gaining the right to vote in 1984, a growing number have been active in politics. A woman, the Foreign Minister, is one of the five members of the Cabinet, and another is a Member of Parliament. Women serve on the executive committees of the major parties. In June women's organizations, political parties, and the Government's Bureau for the Promotion of Equal Rights for Women and Men held a convention to promote the greater participation by women in politics.

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

International and domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

The sole local human rights organization, Justitia et Pax, is an informal group of about 10 persons who monitor prison conditions and assist foreign workers with immigration matters.

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

The law prohibits discrimination on the basis of race, sex, language, or social status, and the authorities respect these provisions. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

Women.—Nongovernmental organizations (NGO's) estimate that one in five women is a victim of physical or psychological violence. There is one shelter, which in 1998 provided refuge for 19 women, only 5 of whom were citizens, and 24 children. Annual government financing for the shelter is about $170,000 (250,000 Swiss francs). The law prohibits all forms of domestic violence, and the Government vigorously enforces the law.

NGO's assume that as in neighboring countries trafficking in women occurs, but no specific cases have been documented (see Section 6.f.).

Societal discrimination still limits opportunities for women in fields traditionally dominated by men. On the aggregate level, men earn more than women. However, it is unclear if this fact represents overt discrimination. In accordance with a 1992 constitutional amendment mandating equality for women, Parliament amended a significant number of laws to provide for equality of treatment. Among other things, Parliament revised the citizenship law, the employment law, the law on labor conditions, the tax law, and the divorce law. The process of amending laws is almost complete. In March Parliament also passed a new law on equal opportunity for women and men. The new law is designed to eliminate discrimination and sexual harassment in the workplace and to create conditions that allow both women and men to combine work and family. In April the Government approved an action plan to promote equal opportunity and to create conditions that allow both men and women to combine work and family. Measures include: Raising public awareness about the new law; improving programs and infrastructure for traditional and single-parent families, such as affordable housing and childcare; promoting educational and career opportunities for women; and raising recognition for work in the home to the same level as for work outside the home.

Three women's rights groups are active. Their chief concerns are public affairs, information, legal counseling, lobbying, and other political activities.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16.

The Government supports programs to protect the rights of children and matches contributions made to the four NGO's monitoring children's rights. A children and youth service belonging to the Office for Social Services oversees the implementation of government-supported programs for children.

There is no societal pattern of abuse against children.

People with Disabilities.—Although the law does not expressly prohibit discrimination against people with disabilities, complaints of such discrimination may be pursued in the courts. Amendments to the law on insurance for the disabled, which were intended to improve the economic situation of disabled persons, came into force in 1997.

The Government requires that buildings and government services be made accessible for people with disabilities, but in general they are not, particularly old buildings.

National/Racial/Ethnic Minorities.—In its 1998 security report, the Government confirmed the existence of a small number of rightwing extremists, consisting of about 20 skinheads between the ages of 20 and 30, and about as many followers of a slightly younger age. A government survey of 700 youths conducted during the year indicated that approximately 20 percent of youths expressed ambivalence toward or sympathy for extremist views, while 4 percent were actual supporters. Incidents of violence increased during the year, according to the survey.

In September the Government presented measures to Parliament designed to curtail racial prejudice and discrimination against foreigners. The proposed law would make it a punishable crime to produce or distribute racist propaganda, deny the Holocaust, engage in racist or religious discrimination, deny services to a particular group, and support racist organizations financially. Violations would be punishable with a maximum 2-year prison sentence; repeat offenders could be sentenced to 3-years' imprisonment.

Section 6. Worker Rights

a. *The Right of Association.*—All workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives. Due to the country's small size and population, only one trade union operates, representing about 13 percent of the work force. However, the sole trade union looks after the interests of nonmembers as well. It is a member of the World Confederation of Labor but is represented on an ad hoc basis by a Swiss union.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protection for strikers. Employers may dismiss employees for refusing to work; such dismissals may be contested. In 1997 the Government incorporated European Economic Area guidelines into its domestic labor law. These guidelines require that, among other things, employers consult in cases of projected mass dismissals and submit employment contracts in written form.

b. *The Right to Organize and Bargain Collectively.*—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements are generally adapted from ones negotiated by Swiss employers and unions.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and there were no reports of violations. Except by implication, the law does not specifically forbid forced and bonded labor by children, but such practices are not known to occur. NGO's assume that trafficking in women occurs, but there were no reports of specific cases (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). The law generally prohibits the employment of children under 16 years of age. However, exceptions may be made, for the limited employment of youths at least age 14 and for those who leave school after completing their 9 years of compulsory education. Children ages 14 and older may be employed in light duties for not more than 9 hours a week during the school year and 15 hours a week at other times.

Inspections are adequate. No employers have been fined or imprisoned for violations of the law. The Government devotes adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervises compliance with the law.

e. *Acceptable Conditions of Work.*—There is no national minimum wage. The Government estimates that the number of working poor increased slightly in recent years, from a base of 7.9 percent in 1994. The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. With few exceptions, Sunday work is not allowed. Workers over age 20 receive at least 4 weeks of vacation; younger ones, at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy effectively enforces these provisions. The law provides for a hearing in cases in which workers remove themselves from dangerous situations.

f. *Trafficking in Persons.*—The law does not prohibit trafficking in persons.

NGO's assume that as in neighboring countries trafficking in women occurs, but no specific cases have been documented.

LITHUANIA

Lithuania is a parliamentary democracy, having regained its independence in 1990 after more than 50 years of forced annexation by the Soviet Union. The Constitution, adopted by referendum in 1992, established a 141-member unicameral legislature, the Seimas; a directly elected president, who functions as Head of State; and a government formed by a prime minister and other ministers, appointed by the President and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The Conservatives prevailed in the 1996 parliamentary elections, followed by the Christian Democrats. The two parties formed a coalition government (the first in Lithuania's history). In February 1998, independent candidate Valdas Adamkus was elected President by a narrow margin. Following the resignation of Prime Minister Gediminas Vagnorius in May, the Seimas endorsed the 14-member Cabinet of Prime Minister Rolandas Paksas, a member of the ruling Conservative Party, to carry out the amended program of

the Government. Paksas resigned in October due to his opposition to a government oil privatization contract. Prime Minister Andrius Kubilius was sworn into office in November. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since independence Lithuania has made steady progress in developing a market economy. Over 40 percent of state property, in addition to most housing and small businesses, has been privatized. Trade is diversifying and expanding both to the West and the East. The largest number of workers are employed in agriculture (21 percent). Major exports include textile and knitwear products, timber and furniture, electronic goods, food, and chemical and petroleum products. In July the Government reported a new low for deflation of 0.5 percent. Per capita gross domestic product (GDP) in 1998 was $2,876. During the first quarter of the year, real GDP reportedly fell by 5.7 percent, and unemployment increased to 7.4 percent.

The Government generally respects the human rights of its citizens; however, problems remain in some areas. Police on occasion beat detainees and abuse detention laws. The Government is making some progress in bringing police corruption under control. Prison conditions remain poor, and prolonged detention in a small number of cases is still a problem. State media continue to be subject to political interests. Violence and discrimination against women and child abuse are serious problems. There were a number of anti-Semitic incidents during the year. Trafficking in women and girls for the purpose of forced prostitution is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In September 1998, the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted $37,500 (150,000 Litas) to establish a full-time working secretariat for the Commission. The secretariat was formed by October and the first research group of the Commission began to work in December.

In August a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party and were sentenced to prison terms of from 3 to 12 years for crimes including premediatated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but at year end the courts had not considered the appeal.

Formal charges have been brought against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in May 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He is accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Gimzauskas, who had served as Lileikis's deputy, returned to Lithuania in 1993. After his appointment in February 1997, Prosecutor General Kazys Pednycia actively investigated the case and prepared to prosecute Lileikis by the end of June 1997. However, the law stipulates that the accused has a right to a fair, public trial and that the trial cannot proceed if the defendant's health precludes his or her appearance in court. In February when a panel of doctors found that both defendants physically were unable to stand trial, the court stopped their trials indefinitely. On June 29, the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June. The Prosecutor's Office also brought charges against Petras Bernotavicius. In July the prosecutor launched a criminal investigation into the activities of Kazys Ciurinskas. The prosecutor also investigated Antanas Gudelis, an Australian citizen. In July the General Prosecutor's Office also appealed to the public for more information on persons under investigation for genocide.

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

There is a growing problem of women being forced or sold into prostitution by organized crime figures. Their families often believe that they have disappeared or have been kidnapped (see Section 6.f.).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically forbids torture, and there were no reports of its use; however, police sometimes beat or otherwise physically mistreat detainees. The local

press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers due to fear of reprisals. According to the Ministry of Interior, during the first 6 months of the year, four police officers were charged with abuse of power and one officer was sentenced. In 1998 four officers were charged and three were sentenced for the same crime.

The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in May 1997. In March the Inspectorate General was reorganized into an office of the Inspector General, and some functions of the Inspectorate were delegated to the internal investigations division at the police department. The Inspector General cannot investigate abuses on his own authority but can act only on the order of the Minister.

In the past, noncommissioned military personnel committed human rights abuses, despite efforts to quash hazing—a practice inherited from the former Soviet armed forces. As living conditions improve for military personnel, there has been a significant reduction in human rights violations committed by noncommissioned officers, and during the year there were no reports of such abuse. During the first half of the year, six criminal case were brought against conscripts and officers for systematic degrading treatment (one case) and breach of discipline involving violence (five cases). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers—rather than ethnic, regional, or social factors—is a primary factor in cases of hazing, and it is working actively to improve the skills and judgment of such officers. In May the Seimas approved the new disciplinary statute of the armed forces, and the military police formed by the law of October 1998 is charged with maintaining discipline in the armed forces. The disciplinary statute provides procedures for investigation of disciplinary offences, assures the right to appeal, and lists the types of punishments.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. One local human rights group claims that the administration of prison institutions does not do enough to prevent violence among prisoners. The country is attempting to reform its prison system with international assistance and the Seimas is reviewing a new criminal code; however, progress has been very slow. As of November, new hygiene norms came into effect to establish the required space for each convict as well as to assure healthy and safe conditions. On the recommendation of the Seimas Ombudsman, some detention facilities were closed temporarily due to unsatisfactory conditions. The Seimas allotted the prisons department $30.7 million (123 million Litas) for 14 correctional institutions. As of July, there were 12,291 prisoners (550 women, 201 juveniles) and 1,887 detainees (98 women, 159 juveniles).

Human rights monitors are permitted to visit prisons. A human rights monitor of the Council of Europe's Parliamentary Assembly visited the country in July and expressed surprise that the country had failed to make any progress in reforming its penal system in the past year and a half.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution provides that no person may be arbitrarily arrested or detained; however, there were instances of prolonged detention. Police may detain a person for up to 48 hours based upon reliable evidence of criminal activity. Under a law passed in June 1998, a judge also must approve the detention. At the end of that period, police must decide whether to make a formal arrest, and a magistrate must approve an arrest warrant. The authorities have 10 days to present supporting evidence. Once a suspect is charged formally, prosecutors may keep the suspect under investigative arrest for up to 2 months before taking the suspect to court. In exceptional cases, investigative arrest may be extended by a further 6 to 9 months with the written approval of the Prosecutor General. The Constitution provides for the right to an attorney from the moment of detention.

In an effort to cope with the rise in violent organized crime in 1993, Parliament passed the Preventive Detention Law pertaining to persons suspected of being violent criminals. The law was passed as a temporary measure and was repealed in June 1997. The effect of the law was to give prosecutors and investigators additional time to conduct an investigation and file formal criminal charges against the detainee. The Law on the Prevention of Organized Crime, passed in July 1, 1997, allows for the application of preventive measures on a person who by his actions might "restrict the rights and freedoms of other persons, creates conditions for the emergence and development of social and economic preconditions of organized crime, or poses a threat to public security." The Government is addressing concerns that periods of detention were excessive.

There is no provision for exile, nor is it practiced.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The Constitution and the 1994 Law on Courts established a four-tier court system: the Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Supreme Court's Senate of Judges, consisting of the Supreme Court chairman, the division chairmen, and other members of the Supreme Court, rules on the decisions by domestic courts that violate the European Convention on Human Rights. The Constitution also established the Constitutional Court and allowed for specialized courts for administrative, labor, family, and other purposes.

The administrative courts began functioning on May 1. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in the sphere of public administration and taxation. The creation of administrative courts completes the national court reform, a process that started in 1995. The Ministry of Justice is moving towards a system of specialization of judges in district and local courts according to the types of cases.

New criminal and civil codes, and codes of civil and criminal procedure are being drafted. The Government planned to submit the drafts of three codes to the Seimas for consideration in the fall; however, by year's end they had not been approved. The main drafting principle was compliance with the requirements of the European Convention on Basic Human Rights and Freedoms, taking into account the jurisprudence of the European Human Rights Commission and European Court of Human Rights.

The Constitutional Court, at the request of the President, members of the Seimas, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The Constitutional Court's authority to issue the final word on subjects within its jurisdiction is unquestioned; it is the country's ultimate legal authority with no further appeal of its rulings.

The Law on Commercial Arbitration, adopted in April 1996, provided for the establishment of arbitration institutions and the abolition of the economic court (abolished in 1998). The law provides for private dispute resolution by an arbitrage tribunal, either organized by a permanent arbitrage institution or by the parties themselves.

The Prosecutor General exercises an oversight responsibility through a network of district and local prosecutors who work with police investigators—employed by the Ministry of the Interior—in preparing the prosecution's evidence for the courts.

The Constitution provides defendants with the right to counsel. In practice the right to legal counsel is abridged by the shortage of trained advocates, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the year, the Supreme Court overturned the rehabilitations of 32 persons.

Parliamentarian Audrius Butkevicius, former Minister of National Defense, was arrested in October 1997 and charged with several counts of corruption. According to the Lithuanian Human Rights Association, the case was based on false information from the State Security Department. Butkevicius's pretrial detention was prolonged without the decision of a judge. The parliamentary Ombudsman said that there were many similar cases and confirmed that the authorities had violated the law. Typically, he wrote, judges and prosecutors wrongly interpret the law to mean that pretrial detention would be expanded automatically when a case was submitted to a court of law. On November 18, 1998, Butkevicius received a 5½-year prison sentence, a fine of $12,500 (50,000 Litas), and confiscation of half of his property. On May 12, the Supreme Court rejected Butkevicius's appeal. Butkevicius's lawyers appealed to the European Court of Human Rights, and in September the Court agreed to review the case; but it had not been resolved by year's end.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy, and the Government generally respects this right in practice. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. However, with the written authorization of a prosecutor or judge, police and the security service may engage in surveillance and monitoring activities on grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

However, it is widely assumed that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis for this police surveillance, but there are no known legal challenges to such surveillance.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. The Parliament adopted a media law in 1996 that introduced an element of self-regulation but postponed a difficult decision on advertising of tobacco products. Under the 1996 law, the media created a special ethics commission and an ombudsman to check libel cases and other complaints. This ombudsman was later established by the Seimas.

The independent print media are flourishing, including a wide range of newspapers and magazines. Radio and television are a mix of state and private stations. State television and radio are in the process of being transformed into public television, independent financially from the Government.

There are no restrictions on academic freedom.

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

The Communist Party of Lithuania and other organizations associated with the Soviet regime continue to be banned.

c. *Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally respects this provision in practice. The Law on Religious Communities and Associations was passed in 1995. It grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings. Article 5 of this law mentions nine religious communities that have been declared ″traditional″ by the law and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. Additionally this year the Hasidic Chabad Lubavich community was recognized as a traditional religious group and was granted the status of a traditional religious community. All other foreign religious workers must obtain work permits, and they face difficult bureaucratic requirements to obtain residence permits from officials who regard them as representatives of cults and sects. These religious workers complain of unofficial harassment. There are no restrictions on the activities of other religious communities.

There is no law for the return of communal property and no action to develop such a law. Although the Justice Ministry prepared legislation to liberalize the restitution of property to religious institutions, at year's end, no parliamentary action was taken. The Catholic community has been more successful in having property returned than the Jewish community; an agreement between Jewish community leaders and the WJRO signed in 1995 has never been implemented. However, some religious property including 26 synagogues has been returned to the Jewish community.

The law provides for the restitution of private property to citizens, but the deadline for filing claims has passed. A number of successful claims have been made, and others still are pending. Lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of heirless (community) property and has no plans to do so.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country, and the Government respects these rights in practice. There are no restrictions on foreign travel.

In 1997 the Law on Refugee Status came into effect, allowing for the first formal grant of refugee status to qualified applicants, in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1998 Law on Legal State of Aliens came into effect on July 1.

There is a registration center for migrants and asylum seekers in the town of Pabrade, where 77 illegal immigrants were registered by year's end. With fewer refugees in residence, during the year the center was able to redirect funds towards improving living conditions. A modern, well-equipped refugee reception center for asylum seekers opened in 1997 in the town of Rukla. By August it had approximately 160 residents and is intended to help integrate into society those persons granted refugee status. As of August, of 2,272 refugees initially settled at the Pabrade center since 1997, over 1,905 eventually were deported.

Lithuania continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania. No progress has been made in negotiating readmission agreements and border agreements still have not been ratified. 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. 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. Of 141 seats in the Seimas, 71 are elected directly and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

While there are no legal restrictions on women's participation in politics or government, they are underrepresented in political leadership positions. There were 24 female parliamentarians out of 137 members (with 4 seats vacant); there is 1 female minister in the 15-member Cabinet. The Cabinet also includes one Jew, four Poles and one Russian.

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

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception in the past was the Ministry of Interior, which continually refused to release information on police brutality and statistics on corruption-related incidents. The Ministry has improved its willingness to share information on police brutality and statistics on corruption-related incidents; however, it has done little in releasing statistics or producing public reports. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction.

In 1994 the Government established the Department of International and Human Rights within the Ministry of Justice, which monitors law and legal practice to determine whether these are in accord with Lithuania's international obligations.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persists.

Women.—Abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem only slowly are being formed. A women's shelter funded in part with Norwegian assistance is now in operation. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 108 rapes were reported. Official statistics on the incidence of abuse of women in the home are not filed separately from other categories of assault. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

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

The Constitution provides for equal rights for men and women; however, women continue to face discrimination. Official policy specifies equal pay for equal work.

The Law of Realization on Equal Rights and Opportunities for Women and Men came into effect on March 1. The Office of the Ombudsman for Equal Opportunities of Women and Men was established May, and the Seimas appointed lawyer Ausra Burneikiene as Ombudsman. The Ombudsman's office is an independent public organization, accountable to the Seimas, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. Generally, men and women receive the same pay for comparable work, but women are underrepresented significantly in some professions and in the managerial sector as a whole. Women are underrepresented in businesses. Significant inequalities in society based on gender continue, and there are still very conservative views about the role of women. During the year, the Ministry of Education and Science abolished preferential university entrance criteria for men and women. During the year, the Equal Opportunities Ombudsman also closely followed admission examinations to high schools. The Ombudsman received no complaints based on gender discrimination.

Children.—The Ministries of Social Security and of the Interior share official responsibility for the protection of children's rights and welfare. By the end of April, the Minister of Justice appointed 85 judges in the district courts for hearings in juvenile criminal cases and cases related to children's rights (adoption and paternity matters). Starting in 1994, the Children's Rights Service of the Ministry of Social Security (also known as the Children's Rights Protection Council) began to take on many of the functions formerly handled by the Interior Ministry and its subordinate police officers throughout the country, thereby focusing more attention on the social welfare needs of children. This service registers and cares for children in abusive and dysfunctional families, and had registered 34,379 children in 1998.

Child abuse is a problem. Child abuse in connection with alcohol abuse by parents is a serious problem. The prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse; however, the press has reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that two children were killed by their parents in 1998; however, the media widely reported on five cases during the year. However, no department or organization collects information on child abuse. Moreover, there are no specific criminal codes for child pornography, sexual abuse, or sex tourism. There is one rehabilitation center in the country for children who have been abused sexually.

The Penal Code provides for terms of from 1 to 4 years' imprisonment for exploiting children in the production of pornography. One case was brought during the year; however, there was no result in the case by year's end. Penalties for violence and cruel behavior against underage persons were made stricter during the year, providing for imprisonment terms of from 1 to 2 years. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People with Disabilities.—The 1991 Law on Integrating Disabled People provides for a broad category of rights and public benefits to which disabled people are entitled legally. Legal provisions for access to buildings for the disabled are in place but are not widely enforced; the vast majority of public buildings remain inaccessible to the disabled.

More than 350,000 disabled persons live in the country—10,000 of them children. During 1998 Parliament allotted approximately $35 million (140 million Litas) for persons with disabilities, including $20 million (80 million Litas) for institutions caring for such persons, $6.8 million (27.3 million Litas) for various specific programs, and $5.8 million (23.4 million Litas) for orthopedic assistance programs. A project in Kaunas to build an apartment building for persons with disabilities has not been completed due to a lack of funds and to the fact that the pending privatization of the state institution that was to have supervised the project is still not complete. A center for deaf children and a program for children with special orthopedic problems have been created.

Religious Minorities.—Jewish community leaders expressed their concern regarding desecration of several cemeteries and the Holocaust Memorial at Paneriai. Although authorities responded promptly in such cases, no witnesses were found and no charges were brought. A certain level of anti-Semitic sentiment persists in the country. For example on the eve of Hitler's birthday, a flag with a swastika was raised at the center of Klaipeda port and Nazi graffiti appeared on a wall of a Jewish community building. The mayor of the city said that anti-Semitic attacks by pro-Fascist youths could not be tolerated and appealed to the State Security Department for action; however, the perpetrators were not apprehended. The Penal Code provides for a sentence of imprisonment from 2 to 10 years for incitement of racial or national hatred or incitement of violence against foreigners. However, the Min-

istry of Justice has no statistics on how many cases, if any, were brought under this provision of the law.

National/Racial/Ethnic Minorities.—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up roughly 20 percent of the country's citizens.

Many non-ethnic Lithuanian public sector employees were required to attain a functional knowledge of Lithuanian within several years, although the authorities have been granting liberal extensions of the time frame in which this competence is to be achieved. As of August, 314 persons took a language test for acquiring citizenship and 298 persons passed the test successfully. During the first half of the year, 354 persons were naturalized (compared with 550 in 1998). There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security related work.

In 1990 the Lithuanian branch of the Soviet Union's All-Union Central Council of Trade Unions, including 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent organization. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

The Lithuanian Workers' Union (LWU) was formed in 1990 as an alternative to the CFTU. Unlike the CFTU/LTUC, the LWU was an early supporter of Lithuanian independence from the Soviet Union and actively sought Western free trade union contacts. The LWU claims a dues-paying membership of 78,000 organized in 35 regional groupings.

The Law on Trade Unions and the Constitution provide for the right to strike, although public officials providing essential services may not do so. There were no major strikes during the year.

There are no restrictions on unions affiliating with international trade unions.

b. *The Right to Organize and Bargain Collectively.*—The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new union organizations. Probably as a result of the discrediting of labor unions during Soviet period, only 10 percent of enterprises have trade unions. Collective negotiations regarding labor relations, including wages, are not very widespread. Workers often present their own case against their employer. Negotiations are more common in enterprises that have trade unions.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminate against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charges that the judicial system is slow to respond to LWU grievances regarding dismissals from work. LWU representatives claim that state managers sometimes prefer the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen say that managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions increasingly are being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution specifically prohibits forced labor by all, including children, and this prohibition generally is ob-

served in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents, it is 14 years. Complaints about infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Child labor problems appear to be rare.

The Constitution specifically prohibits forced and bonded labor by children, and this prohibition generally is observed in practice; however, girls are trafficked for the purpose of forced prostitution (see Section 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—The Constitution provides for every person's right to receive just payment for work.

As of December, the legal minimum wage was $107.50 (430 Litas) per month. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in the public sector is $280 (1,122 Litas) per month, compared with $215 (861 Litas) in 1997. The Council of Ministers and the Ministry of Social Security periodically adjust the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Seimas, which has the right to approve or revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to exacerbate unemployment.

The 40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. The poorest households spend 70 percent of their income on food, compared with 36 percent in wealthier households.

The Constitution provides that workers have the right to safe and healthy working conditions. The State Labor Inspection Service, which the law established, is charged with implementing the Labor Safety Law, which went into effect in 1993. In the first half of the year, the Labor Inspection Service received more than 2,000 complaints, of which more than half were confirmed to be true; 95 percent of complaints involve abuses of labor laws, while only 5 percent deal with working conditions. The largest abuses include illegal employment (working without a written contract), not paying wages for more than several months, and time off.

The 1993 Labor Safety Law sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints about such conditions.

f. *Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in women and girls for the purpose of forced prostitution was a problem. In July 1998, the Seimas passed the Law on the Amendment to the Penal Code, which provides for criminal liability for persons who engage in trafficking in persons for purposes of sexual abuse.

The country is a source, transit point, and destination for trafficking in women. Women from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to major cities. Some are trafficked further to Western Europe and elsewhere. Germany, Israel, the Netherlands, Denmark, and Austria are major destinations, based on the figures of women subsequently deported from these countries to Lithuania.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Many are lured by deceptive offers of seemingly innocent jobs as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Their families often are unaware of their predicament and believe that they have disappeared or been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily. Reportedly, 70 percent of those returned to Lithuania as deportees said that they knew what type of work they were going to undertake.

There were three cases involving trafficking in persons brought during the year. In November the Klapeida port police arrested four persons suspected of trafficking in women. Criminal charges were brought based on the accounts offered by witnesses. At year's end, there had been no court hearing. Law enforcement officials complain that victims of such crimes do not approach the police or they refuse to provide information about the circumstances of trafficking and sale. There are no specific government assistance programs for victims of trafficking; however, the police offer to provide protection for witnesses. The media report extensively on trafficking in persons. A local NGO, Missing Persons' Families Support Center, received a grant from a foreign government during the year to implement an awareness campaign on trafficking in persons.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

The government effectively controls the security apparatus, which consists of the police and gendarmerie.

Luxembourg has a prosperous market economy with active industrial and service sectors. The standard of living and the level of social benefits are high.

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

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions meet minimum international standards. The Government permits prison visits by human rights monitors.

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

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits exile, and the Government respects this prohibition.

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

The independent judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor can appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

In response to a 1995 decision by the European Court of Human Rights, the government established an administrative court system to review citizen challenges to legislation.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice.

In August the newly formed coalition Government promised legislation to reform an 1869 press law that requires journalists to reveal confidential sources. This commitment follows a 1998 case in which police searched the offices of a journalist who published a story alleging corruption on the part of the Interior Minister, but who declined to reveal his source. The stated goal of the new legislation is to find an appropriate balance between protecting journalists' sources and avoiding abuses. The 1869 law also is being challenged before the European Court of Human Rights.

Print media are privately owned. Television broadcasting rights, previously held exclusively by the privately owned national radio and television company, were extended in 1997 to a regional cable television company. The Government issues licenses to private radio stations. Radio and television broadcasts from neighboring countries are freely available.

Academic freedom is respected.

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, but the State pays the salaries of Roman Catholic, Protestant, and Jewish clergy, and several local governments maintain sectarian religious facilities. Two additional religious institutions—the Anglican Church and an Islamic congregation—requested government funding and were awaiting a decision by the Department of Religion at year's end.

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

The government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum. The law provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not expel those having a valid claim to refugee status, and there were no reports of the forced return of persons to a country where they feared persecution.

The Government received 2,930 requests for refugee status and 2,255 requests for asylum through the end of November. This represents a significant increase over the 1,709 total requests for refugee and asylum status that were received in 1998. During the year, 4,548 refugees were in the country, the vast majority from the former Yugoslavia. The Government began to apply the 1993 Dublin Convention and in November repatriated 36 refugees to Italy, their country of entry into the European Union (EU). The Government committed itself not to repatriate refugees to their country of origin during the winter and to provide financial and administrative assistance to the returning refugees.

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

Luxembourg is a multiparty democracy. Suffrage is universal for citizens 18 years of age and above, and balloting is secret. National parliamentary elections are held every 5 years.

Women are active in political life. Of 60 members of Parliament, 10 are women, as are 4 members of the Cabinet.

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

Human rights groups operate without government restriction. Government officials are cooperative and responsive to their views.

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

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions. Blatant societal discrimination occurs only rarely.

Women.—In 1998 women's shelters provided refuge to 421 women and 453 children. Women's organizations report that the increase over 1997 levels was almost entirely due to refugees from the former Yugoslavia. Information offices set up to respond to women in distress reported receiving a total of 4,752 telephone calls in 1998. Neither society nor the government is tolerant of violence against women, and the government prosecutes persons accused of such crimes. The government funds organizations providing shelter, counseling, and hot lines.

Women enjoy the same property rights as men. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage.

The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity. However, according to government reports, women are paid from 9 to 25 percent less than men for comparable work, depending on the profession. The differences are least in the highest paid professions and more substantial at lower salary levels. To date there have been no work-related discrimination lawsuits in the courts. Women constitute 38 percent of the work force.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The law mandates school attendance from the ages of 4 to 16. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

There is no societal pattern of abuse of children. A physicians' organization estimates that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. This group is working to reform judicial procedures to permit videotaped testimony in court proceedings and the testimony of child psy-

chiatrists, as well as the coordination of hospital records in child abuse cases. In May the Government set up a hot line for young persons in distress; by the end of the year it had received 183 calls.

In May the Government passed a comprehensive new law dealing with the sexual exploitation of children. The law increases penalties for adults who traffick in children, facilitate child prostitution, or exploit children through pornography. The law also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such trafficking was reported during the year.

People with Disabilities.—The law prohibits discrimination against people with disabilities in employment, education, and the provision of other state services. The law does not directly mandate accessibility for the disabled, but the government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a modest proportion of buildings and public transportation are modified to accommodate people with disabilities.

The Government helps disabled persons obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring disabled workers and must pay them prevailing wages. The quotas are fixed according to the total number of employees; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire the disabled. There have been no known complaints of noncompliance with the disability laws.

Despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities. The Government is reviewing the effectiveness of the disability legislation, particularly the provisions that establish quotas. To attempt to remedy the problems of the mentally disabled, the Government established a pilot program through which it supports a private organization that owns and runs a children's amusement park. This park employs persons with mental disabilities, whose salaries are paid entirely by the Government.

National/Racial/Ethnic Minorities.—Although noncitizens constitute approximately 35 percent of the total population, antiforeign incidents are infrequent. Resident citizens of EU member states have the right to vote and run in municipal elections. In May the Parliament enacted legislation to allow noncitizen EU nationals to be employed in certain public sector jobs. The Government promotes the integration of foreigners in society by providing support to private organizations for educational campaigns, cultural fairs, and publications.

Section 6. Worker Rights

a. *The Right of Association.*—All workers have the right to associate freely and choose their representatives. About 57 percent of the working population belong to a trade union. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

The Constitution provides for the right to strike, except for government employees such as the police, armed forces personnel, and hospital workers providing essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal.

On January 19–20, employees of the state railroad company, CFL, went on strike to oppose pension reform proposals announced by the Government. No illegal strikes took place during the year.

Unions maintain unrestricted contact with international bodies.

b. *The Right to Organize and Bargain Collectively.*—The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The law provides for adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor by children and adults, and it is not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 16 and requires all children to remain in school until the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor and education laws.

e. *Acceptable Conditions of Work.*—The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 is $7.32 (278 francs) per hour. Supporting a family is difficult on the minimum wage, but most employees earn more than the minimum.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the government grants on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carry out their inspections effectively.

No laws or regulations specifically guarantee workers the right to remove themselves from dangerous work situations without jeopardy to continued employment, but every worker has the right to ask the Labor Inspectorate to make a determination, and the Inspectorate usually does so expeditiously.

f. *Trafficking in Persons.*—In May the Government passed a law that criminalizes trafficking in persons and increases the penalties for adults who traffick in children.

In March the Minister of Justice told Parliament that the Government was unaware of any trafficking rings operating in the country. His statement followed allegations by two prominent politicians—including Luxembourg's European Commissioner, Viviane Reding—that the country serves as a transit point for trafficking in women. According to the authorities, no arrests or prosecutions were made for trafficking in persons during the year. Moreover, local agencies assisting women in distress knew of no clear-cut cases of trafficking in women.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

The Former Yugoslav Republic of Macedonia, which became independent following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. In multiparty parliamentary elections held in October and November 1998, opposition parties defeated parties of the governing coalition in voting that international observers concluded was conducted fairly and reflected the will of the electorate. International observers considered the conduct of the first round of voting for president on October 31, 1999 to be satisfactory; however, there were allegations of fraud and ballot stuffing in the second round on November 14, and the Supreme Court ordered a rerun in most of the country's ethnic Albanian polling stations, which was conducted on December 5. That final round also was marred by irregularities; however, international observers concluded that these likely did not affect the final outcome, and resulted in the election of President Boris Trajkovski. The judiciary is generally independent.

The Ministry of Interior oversees the uniformed police, criminal police, border police, and the state intelligence service. Municipal police chiefs are responsible to the Ministry of Interior, not to municipal leaders. The Ministry is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. Some members of the police occasionally committed human rights abuses.

The economy is in transition from Yugoslav-style communism to a market-based system. Most firms are privatized, big money-losing enterprises are being restructured, and inflation has been held below 4 percent in recent years. The economy improved substantially after the lifting of the Greek embargo and the suspension of sanctions against Serbia, both in 1995, before which the gross domestic product had fallen an estimated 50 percent. Growth resumed slowly in 1996 and continued at about a 5 percent rate until the outbreak of the Kosovo crisis in the spring of 1999. The crisis cut many firms off from customers in Serbia and made the transportation of goods to and from other parts of Europe more difficult and expensive. The overall economic effects of the Kosovo crisis are not yet clear, but the initial impact on the economy was quite negative. Unemployment is high; the gray economy is large. Some workers receive their pay weeks or months late.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police on occasion abused suspects and prisoners, in particular Roma and refugees from Kosovo. Arbitrary arrest and detention are problems. The Government is working to end the practice of police compelling citizens to appear for questioning, pursuant to a 1997 law; however, incidents involving the use of such practices still occur. Another 1997 law imposes some limitations on religious practices. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, is a problem. Ethnic minorities continued to make progress in securing more representation in state institutions, although ethnic Macedonians still hold a disproportionately high number of positions. Violence and discrimination against women remain problems; trafficking in women and girls for prostitution is also a problem.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings. During a December 1998 police raid on the home of an ethnic Albanian suspect believed to have stockpiled illegal arms, the suspect's father was killed by police gunfire. A government inquiry cleared the police of any wrongdoing, but the incident remained controversial. In November according to press reports Czech police detained on drug charges a Macedonian citizen who also was being questioned in connection with the 1995 assassination attempt against then-President Kiro Gligorov, which resulted in two other deaths and a number of injuries. There were no further developments in the Government's inquiries into police actions during 1997 demonstrations in which three persons died.

b. *Disappearance.*—There were no reports of politically motivated disappearances attributed to government agents.

According to Catholic Relief Services (CRS), a Kosovar refugee at the Stenkovec I camp disappeared from the camp in June. CRS camp administrators believe that the refugee had served as a policeman in Kosovo, and that the Kosovo Liberation Army or other persons from Kosovo were responsible for his disappearance.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such treatment and punishment; however, police occasionally used excessive force during the apprehension of criminal suspects, and they occasionally abused prisoners, especially members of ethnic minorities. In September and October 1998, six individuals suspected of arms smuggling were arrested, and family members complained of cruel treatment of the suspects. The individuals were tried and convicted early in the year, in a trial that was monitored closely by international observers and reportedly was conducted fairly.

There are credible reports of occasional police violence against Roma, including beatings during arrest and while in detention. Roma rights organizations also complain of police harassment of Roma and accuse the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma.

Human rights nongovernmental organizations (NGO's) received reports of police beatings and harassment of Kosovar refugees, particularly those refugees not living in camps. There were reports that refugees were beaten when crossing the border or traveling throughout the country (see Section 2.d.). On May 10, Kosovar Albanian refugees in a camp held a protest in response to an incident in which they believed that police officers beat two refugees without provocation, although international camp administrators on the scene did not confirm the protesters' version of the original incident. On June 25, special police officers entered the Stenkovec I camp and detained three refugees suspected of participating in the disappearance of another camp resident (see Section 1.b.). According to CRS officials, after the three

were transported to a police station, they were interrogated and roughed-up before being released.

According to Amnesty International, police officers frequently stopped Kosovar refugees and questioned them in an intimidating manner about their reasons for leaving Kosovo.

Ethnic Albanian Kosovars in the country were involved in a number of anti-Roma incidents, at least one of which required the intervention of the police to help rescue a group of Roma from a mob in a refugee camp (see Section 5). According to press reports, in August eight ethnic Albanians beat two of their Romani neighbors in Radusa, after an incident in which an ethnic Albanian shouted epithets at Romani children. The ethnic Albanians threatened the Roma and told them to move away from the village. The Roma fled but returned 2 weeks later after local police promised to protect the family and to charge their assailants.

On May 19, a small bomb exploded in an ethnic Albanian neighborhood in Skopje, which wounded two persons. The authorities did not announce any suspects in the case.

During the December 5 rerun of the second round of voting in presidential elections, police intervened 23 times to stop skirmishes among voters (see Section 3). According to the Ministry of Interior, at least 9 persons were injured, and authorities filed charges against 14 persons.

Prison conditions meet minimum international standards.

The Government permits prison visits by human rights monitors and the Human Rights Ombudsman. The Government agreed to allow the International Committee of the Red Cross (ICRC) to visit prisons under procedures which the ICRC finds acceptable, but has not yet agreed to commit to those procedures in a binding, written agreement with the ICRC.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. The Constitution states that a person must be arraigned in court within 24 hours of arrest. The maximum length of pretrial detention was increased in 1998 from 90 to 180 days by constitutional amendment. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour time period within which a suspect must be arraigned and deny immediate access to an attorney. Although the law requires warrants for arrests, this provision frequently is ignored, and it is not uncommon for a warrant to be issued some time after an arrest.

The Government has not yet ended completely the practice of police compelling citizens to appear at police stations through an "invitation" for "informative talks." Although a law on criminal procedures was passed in 1997 that states that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued to be applied on occasion. Roma rights organizations accuse the police of arbitrarily arresting and detaining Roma, and there are credible reports of such police actions.

The police initiated a series of raids on businesses in the summer, seized records, and briefly detained some 20 enterprise directors and officers to question them on charges of corruption and failure to pay taxes. Almost all of the individuals who were questioned or whose offices were raided were connected to opposition political parties, and the raids were widely viewed as having been politically motivated. The Government publicly defended itself against media criticism of its actions by releasing information on the alleged crimes under investigation, but by year's end no charges were brought against the subjects of the raids. A similar police raid in December against the director of a company involved in a dispute with the Government resulted in another media outcry and the suspension by the Ministry of Interior of the local chief of police who conducted the operation.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice, although the court system is still developing and is sometimes inefficient and slow.

The court system is three tiered and comprises municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation.

The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area. In addition the Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates. The Office of the People's Ombudsman was created and became functional in 1997 (see Section 4).

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge has the final word. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is concerned. Trials cannot be televised, pursuant to the Criminal Procedure Code, although the court can in certain cases authorize the presence of television and film cameras.

Four ethnic Albanian municipal officers who were jailed for crimes related to events in Gostivar and Tetovo in 1997 considered themselves political prisoners. However, all four were freed early in the year as part of a wider grant of amnesty by the new Government. Most international observers believe that the amnesty was aimed specifically at release of the four officials. The group, which included the mayors of Tetovo and Gostivar, had been jailed for failure to obey a Constitutional Court order to remove Albanian flags from municipal buildings; rioting had followed their arrests.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, and government authorities generally respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Several daily newspapers are published in Skopje, as well as numerous weekly or periodical political and other publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies is not transparent, leading to charges of political bias in government support for the independent media. Several privately owned publications have a wide distribution throughout the country, and some are considered to be oriented toward opposition political parties. The media that remain partially state-owned are government oriented but report opposition press conferences and statements and in general provide coverage of the major opposition parties. The leading newspaper publisher is still partially government owned and controls one of only two modern, high-speed printing facilities in the country, as well as many newspaper kiosks. Following the parliamentary elections in late 1998, influence over this publisher passed to the new Government. International monitors noted that the media provided generally unbiased coverage of the full spectrum of political debate. However, several media outlets were criticized for their clear bias in favor of one political party.

Distributors of foreign newspapers and magazines must obtain the permission of the Ministry of Interior. All such requests during the year were approved. Foreign newspapers, including those from neighboring countries, are available throughout the country.

A 1998 case involving an assault on a journalist, the editor of a large circulation opposition-oriented weekly magazine, remains unsolved.

State-run Macedonian radio and television is in countrywide competition with two private television stations and one private radio station that are licensed to broadcast nationally. The state broadcast media also face the competition of dozens of small independent local radio and television stations throughout the country. The Broadcast Council issues licenses to broadcasters, in a process that international observers consider generally meets international norms. License fees collected from private broadcasters are supposed to help subsidize the state-run system, but collections are inconsistent.

Individuals and opposition political groups may criticize the Government publicly without reprisal. However, in January state radio commentator Gorica Popova was demoted after she expressed her personal view in a radio broadcast about several foreign guests whom the Government invited to the country in order to honor a controversial interwar hero. The media do not appear to practice self-censorship due to fear of government reprisal. The Government does not censor books and other publications, nor does it censor films.

The Government respects academic freedom. Because higher education is not available in the Albanian language (except for teacher training), some ethnic Albanians claim that they do not have complete academic freedom. They want to see the currently unauthorized Albanian-language Tetovo University gain legal status so that they can study in their mother tongue at the university level (see Section 5).

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Advance notification of large meetings is optional; political and protest rallies occur regularly without major incident. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups (see also Section 2.c.).

Three ethnic Albanian rally organizers arrested in 1998 for inciting racial and ethnic hatred were released soon after their arrest, and no further legal action was taken against them.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties and organizations are required to register with a court. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The 1997 Law on Religious Communities and Groups limits some aspects of religious practice; however, the law does not appear to be enforced consistently. While only the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, there is no legal difference between the two categories.

The law places some limitations on religious practices. For example, only a citizen may found a religious group. The law also stipulates that anyone carrying out religious work be registered with the Government's Commission on Religious Communities and Groups.

The Government requires that religious groups be registered. The 1997 Law on Religious Communities and Religious Groups contained a number of specific requirements for the registration of religious groups that were struck down by the Constitutional Court during the year. Consequently, there was considerable confusion over which procedures still applied, and several foreign religious bodies experienced delays in their efforts to register. During the year, the Government acted to make the remaining requirements more transparent, but the process remained slow and cumbersome. At least one international Protestant church was granted legal registration, and several others are at some stage of the process. One Islamic group withdrew its 1998 application for registration but continues to operate openly without taking further steps toward legal registration. The Government has not taken any enforcement actions against the group. In 1998 the Government rejected the application for registration of another Islamic group headquartered in another country. An Islamic Roma group applied for registration in 1998, and the Government rejected its application on technical grounds. The group resubmitted its application, and the Government granted the group legal registration. The total number of registered religious groups and communities is 19.

Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups.

The refusal of the Serbian Orthodox Church to recognize the self-proclaimed Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On several occasions in 1998 the Government refused Serbian Orthodox priests permission to enter the country because of the recognition issue. Due in part to the intervening Kosovo crisis, no Serbian Orthodox priests attempted to enter Macedonia for religious purposes during the year. In December a delegation from the Macedonian Orthodox Church traveled to Istanbul to consult with Orthodox leaders on ways to end the impasse with the Serbian Orthodox Church.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens are permitted free movement within the country as well as the right to leave and return. These rights may be restricted for security, public health, and safety reasons, but are respected fully in practice.

Citizenship in the old Yugoslav system was national, but all records and processing were at the level of the individual republics, so some residents at the time of independence had Yugoslav citizenship that became citizenship in other newly independent former republics. For about the first year of independence, beginning with the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence (of any duration) in the republic could acquire citizenship by simple application. The Law on Citizenship adopted in November 1992 established new procedures for conferring citizenship, and under its transitional provisions citi-

zenship was granted essentially automatically to any legal resident who applied before November 1993. Despite this 2-year window of opportunity for residents to become citizens by simple application, several thousand residents did not regularize their status before November 1993. Some of these persons, and others who arrived in the country later, have complained that the provisions of the Law on Citizenship that followed the transition period are too restrictive and have prevented them from obtaining citizenship. For example, after the transition period the law required applicants for naturalization to have 15 years of residency. The law also affects many Roma who wish to become citizens, particularly with regard to difficulties they encountered in establishing residence and meeting requirements of a regular income. During the year, the 15-year residence requirement was lowered to 10 years, in conformity with the Council of Europe Convention on Citizenship; the new residency requirements are to become effective within about 1 year, following the passage of enabling legislation. New procedures instituted in 1998 have made the citizenship application process considerably more transparent; the Macedonian Helsinki Committee has full access to all files, and the office within the Ministry of Interior that processes the cases works closely with the U.N. High Commissioner for Refugees (UNHCR) and with the Organization for Security and Cooperation in Europe mission in Skopje.

Ethnic Albanians constitute a disproportionately high number of emigrants, due to stronger familial ties outside the country and longstanding economic relationships in other countries.

The Kosovo crisis created an enormous refugee movement into the country between late March and mid-summer and severely strained the country's ability to provide asylum. Prior to the start of the NATO air campaign, approximately 15,000 Kosovar refugees had been allowed to enter the country quietly as "tourists" and reside in local communities. This pretense that there were no refugees in the country was undermined by the arrival of an additional 335,000 or more ethnic Albanian Kosovars in the weeks following the start of the air campaign. This total represented about one-sixth of the county's own population and quickly overwhelmed the Government's ability to deal effectively with immigration controls, border security, or humanitarian support. The refugees also created strong political strains between the country's ethnic Macedonian majority and its ethnic Albanian minority. Ethnic Albanian Macedonians were motivated strongly to provide immediate asylum to all ethnic Albanians fleeing Kosovo. However, as long as the outcome of the crisis remained in doubt, many ethnic Macedonians feared that the refugees might be stranded outside of Kosovo—significantly and perhaps permanently altering the country's ethnic balance. Despite these apprehensions and domestic political tensions, the Government generally responded well to the refugee crisis, and met its international obligations regarding the provision of asylum. Occasionally the accumulated political and resource pressures on the Government resulted in severe restrictions on the reception of new waves of arriving refugees. Reports that authorities forced some Kosovar Albanians back into Kosovo could not be confirmed. The Government on several occasions closed the border crossing points for hours at a time and often did not staff crossing points with sufficient personnel to keep new arrivals moving quickly to safety. At times the Government slowed down the processing of refugees and refused to admit ethnic Albanians who lacked passports. In one incident, border police turned back a train carrying dozens of refugees because they reportedly lacked "proper documentation." International relief officials publicly said that the Government's actions endangered lives by processing refugees too slowly. The worst episode was at the beginning of the crisis, when the initial wave of refugees arrived at the Blace border crossing point in late March; tens of thousands of refugees piled up at the border in an unhealthy, filthy, and severely overcrowded area, while the Government and the international community rushed to build camps to absorb them. Media and NGO reports of deaths among refugees at Blace vary widely. Medicins sans Frontieres, the one international medical aid organization that was allowed continuous presence among the Blace refugees from the beginning of the crisis, confirmed three deaths and heard credible but unverified accounts of up to another eight deaths. In its efforts to clear the Blace border crossing point at the end of the first week of April, the Government arranged with the Government of Albania for the transfer of approximately 15,000 refugees by bus to Albania. However, the transfer was not coordinated with the UNHCR and created much controversy because of international observers' doubts that it had been voluntary in all cases. In early April, almost 2,000 refugees were bussed out of Blace to the Skopje airport and flown to camps in Turkey in a humanitarian airlift that the Government did not coordinate with the UNHCR. The Government generally worked closely with the UNHCR, NATO, other governments, and with NGO's to establish and operate camps to shelter and support the refugees properly. However,

at first the UNHCR and international NGO's were denied access to refugees at the border crossing area (see Section 4). Once camps were established, there were several incidents of friction between refugees and the Macedonian police who were assigned to secure and protect the camps. Some camp residents complained that the police used excessive or unnecessary force on occasion, although international camp managers generally reported police behavior to be acceptable. According to human rights NGO's, there were incidents of police beating, harassment, interrogation, and intimidation of refugees. These abuses most often affected refugees not living in the camps and refugees who were crossing the border or traveling throughout the country (see Section 1.c.). On May 10, Kosovar Albanian refugees in a camp held a protest in response to an incident in which they believed that police officers beat two refugees without provocation, although international camp administrators on the scene did not support the protesters' version of the original incident. On June 25, special police officers entered the Stenkovec I camp and detained three refugees suspected of participating in the disappearance of another camp resident. According to CRS officials, after the three were transported to a police station, they were interrogated and roughed up before being released.

Most refugees returned to Kosovo following the cessation of fighting. Approximately 8,000 remained in the country at year's end, and the Government believes that there may be about an equal number of unregistered refugees. The last refugee camp closed at the end of the year, and all registered refugees were living either with host families or in collective centers. The Government is working with the UNHCR and other organizations to resolve and resettle these remaining refugee cases. Government officials admitted some 2,000 new Romani refugees fleeing Kosovo in August and September. However, in late September officials denied entry to some 300 Roma at the border. By the end of September, the Government reversed its decision and admitted another 461 Roma. Romani refugees staying in camps protested camp conditions several times in August and September and refused to cooperate with Albanian-language interpreters.

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's third parliamentary elections were held in October and November 1998 and resulted in an opposition victory and a peaceful change of government. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that can produce a majority in the Parliament. He and the other ministers may not be Members of Parliament. The Prime Minister is formally appointed by the President, who is head of state, Chairman of the Security Council, and commander in chief of the armed forces.

The Government was accused by opposition leaders and the media of harassing members of the opposition prior to the October presidential elections. In the summer, police initiated a series of raids on businesses and charged some 20 enterprise directors with corruption and failure to pay taxes. Almost all of the enterprise directors singled out for this treatment belong to an opposition party (see Section 1.d.).

On October 31, the first round of balloting in the presidential election was held. There were six candidates on the ballot, who represented every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the candidates who received the most votes advanced to the second round. The ruling VMRO (Internal Macedonian Revolutionary Organization) candidate Trajkovski gained the majority of the votes cast in round two on November 14, but the opposition SDSM (Social Democratic Alliance of Macedonia) candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas, and the Supreme Court ruled that round two should be rerun in 230 polling precincts, all of which are predominantly ethnic Albanian. The voting held on December 5 was as flawed as the previous round, according to international monitors, who reported numerous incidents of ballot stuffing and other problems in some polling stations. Trajkovski again gained the majority of votes cast, and the SDSM filed a list of complaints of irregularities. Claiming that the Government was incapable of conducting a fair vote in the contested precincts, the SDSM later withdrew those complaints and did not press for another repeat of the voting. President Trajkovski was sworn into office on December 15.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. The Government has two female ministers and two female vice presidents with the rank of minister.

In the Parliament, 9 of 120 members are women, an increase from only 4 women in the previous Parliament. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect not enfranchised, due to the practice of family/proxy voting, through which men vote on behalf of the women in their families (see Section 5).

A number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Two ethnic Albanian parties and the Roma party have members in the Parliament; the ruling government coalition includes one of the two major ethnic Albanian parties, as well as the Romani party. The Parliament includes 25 ethnic Albanian members, 1 Macedonian Muslim, 1 Rom, and an indeterminate, small number of Vlachs. Minorities nonetheless maintain that political structures continue to be biased against them. Partly to address these concerns, the electoral law includes elements of proportional representation. A total of 35 of the 120 parliamentary members are chosen on the basis of proportionality, while the other 85 members are elected in single-member districts. Some ethnic Albanians and Roma complain that discrimination against them in citizenship decisions effectively disenfranchises them (also see Section 2.d.).

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

The Government generally is responsive to the concerns of human rights groups. Human rights groups and ethnic community representatives meet freely with foreign representatives without government interference. Several independent forums for human rights exist and operate freely, but their activities have not been prominent. In 1998 and 1999 one such forum, with the support of the human rights ombudsman, widely distributed an information card for citizens on basic human rights; another group provided similar cards to all police officers, outlining citizens' rights.

The office of the ombudsman, established in 1997, has yet to be called upon by the citizenry in any significant way. Most complaints filed with the office do not relate to human rights issues.

The Government allows independent missions by foreign observers. The Kosovo crisis led many international NGO's to establish new offices in the country, staffed by scores of international workers; many of these organizations have a strong interest in human rights issues. The Government has been generally cooperative in its dealings with these and other international organizations concerning such issues. However, when the country first was flooded with Kosovar refugees in late March and early April, the Government initially insisted that all aid be distributed by local NGO's, particularly the Macedonian Red Cross, which lacked sufficient resources to perform the task adequately. For days the UNHCR and most nonmedical international NGO's were denied full access to refugees at the border crossing; this needlessly complicated the provision of assistance and resulted in additional delays in providing food, water, and shelter. Also, the UNHCR was denied access to the Radusa camp until April 10 (see Section 2.d.).

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

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and the protection of women's rights remain problems.

Women.—Violence against women, especially in the family setting, is common. Criminal procedures are available to victims of rape, including limited legal recourse in the case of marital rape. Cultural norms discourage the reporting of such violence, and criminal charges on grounds of domestic violence are very rare. Public concern about violence against women is not evident in the media, although some women's groups are working to raise awareness of the issue. Shelters for victims of spousal abuse are operated by NGO's. A hot line remains open but has limited hours.

Trafficking in women and girls for prostitution and pornography is a problem (see Section 6.f.). Traffickers have recruited women from other countries, especially Bulgaria, Russia, and Ukraine, to work as prostitutes in several towns.

Sexual harassment of women in the workplace is a problem, but no statistics are available to indicate its scope. Maternity benefits are good, with 9-months' paid maternity leave. Women also retain the right to return to their jobs for 2 years after giving birth.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is strongly patriarchal, and the advancement of women into nontraditional roles is limited. Women are

underrepresented severely in the higher levels of the private sector, although some professional women are prominent. Women from some parts of the ethnic Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect not enfranchised, due to the practice of family/proxy voting, through which men vote on behalf of the women in their families (see Section 3).

Women's advocacy groups include the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

Children.—The Government is committed to the rights and welfare of children but in some areas is limited by resource constraints. Education is compulsory through the eighth grade, or to the age of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Government encourages ethnic minority students, especially girls, to enroll in secondary schools. Medical care for children is adequate but is hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

There is no societal pattern of abuse against children.

People With Disabilities.—Social programs to meet the needs of the disabled exist to the extent that government resources allow. Discrimination on the basis of disability is forbidden by law. No laws or regulations mandate accessibility for disabled persons.

National/Racial/Ethnic Minorities.—The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

Ethnic tensions and prejudices are present in society. The Government is committed to a policy of peaceful integration of all ethnic groups into society but faces political resistance and continued popular prejudices regarding the means to achieve this goal (hiring quotas, affirmative action in school admissions, education in minority languages, etc.).

Representatives of the ethnic Albanian community, by far the largest minority group with 23 percent of the population according to government statistics, are the most vocal in charging discrimination. The underrepresentation of ethnic Albanians in the military and police is a major grievance in the community. Despite government efforts to recruit more ethnic Albanians, the police force remains overwhelmingly Slavic Macedonian, even in areas where the ethnic Albanian population is large. Members of ethnic minorities constitute 8.7 percent of the law enforcement officers of the Ministry of the Interior; in the primarily ethnic Albanian cities of Tetovo and Gostivar the respective figures are 17 percent and 12 percent. To raise the percentage of ethnic minority police officers, the Government for several years has set a recruiting quota of 22 percent for enrolling minority students at the police secondary school. Attrition has kept the graduating classes from retaining that percentage of ethnic minorities.

The military continues efforts to recruit and retain minority officers and cadets. The military is composed mostly of short-service conscripts, drawn from all ethnic groups. The proportion of ethnic Albanians in the ranks is estimated to be about 25 percent, but the proportion is significantly lower in the officer corps. Of junior officers, about 9 percent are from ethnic minorities, while about 15 percent of cadets at the military academy are from ethnic minorities. Ethnic Albanians constitute about 8 percent of Ministry of Defense civilian employees. The Deputy Minister of Defense and one of a total of eight general officers are ethnic Albanians.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education is a crucial issue for the ethnic Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their mother tongues is increasing, and was about 15 percent during the year, up from 14 percent the previous school year. Still, only about half of ethnic minority students go on to high school, partly because of the lack of available classes in minority languages at the secondary level and partly because the traditional

nature of parts of Albanian society leads many families in rural areas to see no need to educate their children, particularly girls, beyond the eighth grade.

At the university level, ethnic minorities are underrepresented, but there has been much progress in increasing the number of ethnic minority applicants and students since independence in 1991. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, although the quota has not always been filled. In 1991 there were 302 ethnic minority students attending university; in 1998 there were 1,073. The latter figure represents about 16 percent of all university students. Most university education is conducted in the Macedonian language; there is Albanian-language university education only for students at Skopje University's teacher training faculty, for students studying to be teachers at Albanian-language primary and secondary schools. An obstacle to increasing university attendance of ethnic Albanians and Roma, especially for girls, is their low but slowly increasing enrollment in secondary education.

Demands for the legalization of an unofficial Albanian-language university in Tetovo continue. In 1995 the issue led to a violent clash between demonstrators and police, during which 1 ethnic Albanian demonstrator was killed and about 30 persons were injured. Since then the Government tacitly has allowed the university—which it considers to be illegal—to function without giving it any official recognition. In the 1998 parliamentary elections the issue of Albanian-language university education was debated constructively, but the question has not retained a high profile recently, due in part to the Kosovo crisis. At year's end, the Prime Minister announced that the Government had approved a plan to be implemented in 2000 to extend further the use of the Albanian language in higher education.

The new Government met one major demand of the ethnic Albanian community by agreeing to change the 15 year residence requirement for naturalization to 10 years (see Section 2.d.). Enabling legislation is being processed to complete that change. The new Government has continued previous governments' positions that reject demands for legalizing use of the Albanian language in dealings with the central Government and in the Parliament and for allowing official use of the Albanian flag.

Ethnic Turks, who make up about 4 percent of the population, also complain of governmental, societal, and cultural discrimination. Their main complaints center on Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home. The Education Ministry refuses to provide Turkish-language education for them, noting that the Constitution provides for education in the mother tongues of minorities, not in foreign languages. Some parents have hired teachers of their own, although this kind of private education is not authorized legally.

Ethnic Serbs, who constitute about 2 percent of the population, also complain about discrimination and their inability to worship freely in the Serbian Orthodox Church.

The normally quiet relations between Roma and other citizens were strained during the year as a result of dislocations of Roma caused by the Kosovo crisis. According to the 1994 census, there were 43,700 Roma in the country (2.2 percent of the population). Romani leaders claim that the 1994 census seriously undercounted the actual number of Roma. There were incidents of police and societal violence against Roma (see Section 1.c.). Ethnic Albanian Kosovars in the country were involved in a number of anti-Roma incidents, at least one of which in June required the intervention of the police to help rescue a group of Roma from a mob in a refugee camp. About 6,000 Roma fled Kosovo and took up residence in the country. They left not only because of the direct dangers of the conflict, but also because of the hostility of ethnic Albanian Kosovars, who widely consider the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. The new Roma arrivals initially were sheltered in a refugee camp (about 2,000 persons) and under host family arrangements (about 4,000) that were underwritten by the international relief community. By year's end, all of the Romani refugees were staying with host families or in collective centers. The presence of these Romani refugees is not popular among ethnic Albanians, who largely share the view of the ethnic Albanian Kosovars concerning both Roma and Serbs. Ethnic Macedonians also express irritation at the new arrivals, many of whom settled in Skopje, and some of whom established themselves at busy traffic intersections to beg, wash car windows, or sell small items. The Macedonian Roma already tended to occupy the lowest economic rung of society, and the new arrivals added to the ranks of the very poor. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum. According to Romani community leaders, up to 10

percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. There is some Romani-language broadcasting.

In July the Government repealed a law that banned Bulgarian language books. The law had been used in previous years also to ban some books from Albania.

There are also a number of ethnic Macedonian Muslims and Bosnian Muslims in the country. Some ethnic Macedonian Muslims contend that they are identified too closely with ethnic Albanians, most of whom are also Muslim, and with whose policies the ethnic Macedonian Muslims often disagree.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right to form trade unions, but this right is restricted for members of the military, police, and civil service. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed. However, there is still a national trade union. The Confederation of Trade Unions of Macedonia is the successor organization to the old Communist labor confederation. It maintains the assets of the old unions and is the Government's main negotiating partner, along with the Chamber of the Economy, on labor issues. While its officers may tend to oppose strikes because of the legacy of the past, they appear to be genuinely independent of the Government and committed to the interests of the workers they represent.

The total number of strikes during the year was approximately 150, which included many protest work stoppages of a few hours or less. The reasons for the strikes included demands for overdue pay, workers' objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Strikes were generally small and confined to company grounds, although in September striking workers at a government-owned smelting plant blocked a major highway for several hours, protesting government plans to close the plant if a private purchaser or partner could not be found. Most strikes were calm and well organized and passed without serious incident.

b. *The Right to Organize and Bargain Collectively.*—The Constitution implicitly recognizes employees' right to bargain collectively, a concept that nonetheless is still in its infancy. Legislation in this area has yet to be passed by Parliament.

An export processing zone is being developed with the advice and financial support of Taiwan. No date has been set for the beginning of operations.

c. *Prohibition of Forced or Compulsory Labor.*—Legal prohibitions against forced labor, including that performed by children, are observed in practice.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The constitutional minimum age for employment is 15 years. Children legally may not work nights or more than 40 hours per week. Education is compulsory through grade eight, or to the ages of 14 or 15. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children. The law prohibits forced or bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The average monthly wage in June was about $164 (9,532 denars). The minimum wage is by law two-thirds of the average wage; however, it was not sufficient to provide a decent standard of living for a worker and family. By comparison an average month's worth of food for a family of four in 1998 cost $184 (9,566 denars). This economic situation meant that few workers could support a family on their wages alone. Many households are dual-income, and many persons take on additional work, often in the gray market.

Yugoslavia had extensive laws concerning acceptable conditions of work, including an official 42-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. The Government adopted many of these provisions, including the workweek and rest period. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that do not comply with the law. Small retail businesses in particular often require employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although laws and regulations on worker safety remain from the Yugoslav era, they are not enforced strictly. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions.

Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled legally to leave the dangerous situation without losing their jobs.

f. *Trafficking in Persons.*—Trafficking for the purpose of prostitution is prohibited specifically by law. However, trafficking in women and girls for prostitution and pornography is a problem. The country is a source, transit, and destination point for trafficking in persons. Trafficking in persons for the purpose of illegal immigration is not prohibited specifically by law but is covered by immigration regulations. Traffickers have recruited women from other countries, especially Bulgaria, Russia, and Ukraine, to work as prostitutes in several towns. Women are trafficked through the country on their way to West European countries, especially Italy. There are no reliable estimates of the number of victims of trafficking in the country.

MALTA

Malta is a constitutional republic and parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

A civilian commissioner, under the effective supervision of the Government, commands the police.

The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents with a moderate to high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. An independent judiciary upholds the Constitution's protections for individual rights and freedoms. Domestic violence is a problem, and societal discrimination against women persists, but the Government has taken steps to address both issues.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits inhuman or degrading punishment or treatment. There were no reports that officials employ them.

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

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution and the law provide for freedom from arbitrary arrest, detention, or exile, and the Government observes this prohibition. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or lodge charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail normally is granted.

e. *Denial of Fair Public Trial.*—The judiciary is independent of the executive and legislative branches. The Chief Justice and 16 judges are appointed by the President on the advice of the Prime Minister; judges serve until the age of 65, and magistrates serve until the age of 60.

The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction for cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and from the criminal court, respectively. The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than $1,000 (400 Maltese liri) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution requires a fair public trial before an impartial court. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence. They may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution protects the privacy of the home and prohibits electronic surveillance. The Government respects these provisions. Police officers with the rank of inspector

and above may issue search warrants based on perceived reasonable grounds for suspicion of wrongdoing. Reportedly only the Home Affairs Minister and the Prime Minister may issue warrants for telephone tapping, and then only in drug-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 respects these rights in practice. However, the 1987 Foreign Interference Act bans foreign participation in local politics during the period leading up to elections. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Diverse views are expressed in four daily newspapers, six weeklies, and five Sunday editions. A total of 6 television stations, a commercial cable network, and 18 radio stations function freely.

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The state-supported religion is Roman Catholicism. The Government and the Catholic Church participate in a foundation that finances Catholic schools. The Church transferred nonpastoral land to this foundation as part of the 1991 Ecclesiastical Entities Act. Students in government schools may decline instruction in Catholicism.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government does not arbitrarily restrict movement within the country, foreign travel, or emigration. A court order may prohibit the departure from the country of anyone who is the subject of a formal complaint alleging nonfulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse.

The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR). Since 1992 it has granted temporary refugee status and protection to over 1,000 persons. The Government admitted 107 Kosovar refugees from May until their August return to Kosovo. At year's end, the UNHCR considered 164 immigrants to be refugees and another 214 to be applicants. The Government grants temporary protective status to such persons pending their resettlement in third countries; it normally does not grant permanent refugee status to anyone or accept anyone for resettlement. A proposed law introduced in December would expand access to social services and employment for recognized refugees. The authorities expel or repatriate persons they deem to be economic migrants. However, the Government did not force the return of any persons to a country where they feared persecution.

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

Citizens exercise this right in multiparty elections held every 5 years by secret ballot on the basis of universal suffrage for those 18 years of age or over. In the 1998 election, 96 percent of the electorate voted.

Women are underrepresented in government and politics. In the September 1998 elections, six women were elected to Parliament, three in each party, and one received a ministerial post. The Government has taken steps to include more women in civil service and other government positions.

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

Various human rights groups and persons operate 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 law prohibit discrimination related to race, place of origin, political opinion, color, creed, or sex. The Government respects this prohibition. Alleged victims of discrimination may apply directly to the Constitutional Court for relief, although few have done so recently.

Women.—No widespread pattern of family violence against women is apparent, but continuing reports of such incidents make plain that the problem exists. During the first 9 months of 1999, 263 cases of domestic violence were reported, and 11 cases of rape were reported to the police. A special police unit and several voluntary organizations provide support to victims of domestic violence. For women who are

threatened or physically abused, the Government also maintains an emergency fund and subsidizes shelter beds. During the year 111 women used the shelters.

The Government set up a hot line in 1996 to assist victims of abuse through counseling and through referrals to legal assistance and shelters. A committee was set up during 1998 to review existing family legislation and propose amendments dealing with domestic violence. Its proposals are being considered by the Ministry of Social Policy.

Prostitution is a serious offense under the law, and heavy penalties are reserved for organizers. Rape and violent indecent assault carry sentences of up to 10 years. The law treats spousal rape the same as any other rape. Divorce and abortion are not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education. While women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct them either into traditional "women's jobs" (such as sales clerk, secretary, bank teller, teacher, or nurse) or into better paying jobs in family-owned businesses or select professions (i.e., academia or medicine). Therefore, women generally earn less than their male counterparts, and many leave employment upon marriage.

Women's issues are handled by the Department of Women's Rights under the Minister of Social Policy. The Minister is a prominent member of the Government who is also Deputy Prime Minister and the Nationalist Party's deputy leader. Legislation enacted in 1993 granted women equality in matters of family law, and a 1991 constitutional amendment committed the government to promote equal rights for all persons regardless of sex. The Government has taken steps to ensure that legislation is gender neutral to the degree possible. Redress in the courts for sexual discrimination is available. The Government's policy on gender abandoned the concept of introducing gender-based quotas in the civil service. An internal study and a proposal to increase the representation of women in the public sector is under consideration by the Commonwealth Secretariat.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and health care. It provides compulsory, free, and universal education and free health care for children through age 16. The Government voices concern for children's rights and welfare but addresses those concerns within family law. The Government plans to adjust the law, as necessary, in view of its signature of the European Convention on the Exercise of Children's Rights in February.

There is no societal pattern of abuse of children. The number of reported cases of child abuse has grown as public awareness has increased, but it is not clear whether the number of incidents actually has increased. For the first 9 months of 1999, 545 cases of child abuse were reported.

People with Disabilities.—The law provides for rights for the disabled. The 1969 Employment of Disabled Persons Act led to greater employment of disabled persons in government agencies. The 1992 Structures Act requires accessibility to public buildings for people with physical disabilities. Overall government and private sector efforts to advance the status of disabled persons are uneven. As of 2000, private development project plans must include access for the disabled.

National/Racial/Ethnic Minorities.—Approximately 2,000 men of Algerian or Tunisian origin are married to Maltese women. This community has a mosque and a separate school; an application is pending with the Government for a dedicated cemetery.

Owners of some bars and discos reportedly discourage or prohibit darker skinned persons from entering.

Section 6. Worker Rights

a. *The Right of Association.*—Workers have the right to associate freely and to strike, and the Government respects these rights in practice. Only noncivilian personnel of the armed forces and police are prohibited from striking. There are 35 registered trade unions, representing about 50 percent of the work force. Although all unions are independent of political parties, the largest, the General Workers' Union, is generally regarded as having close informal ties with the Labor Party.

Under the Industrial Relations Act of 1976, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization Committee of Experts objects to a provision of the act that permits compulsory arbitration to be held at the request of only one of the parties, but neither unions nor employers appear to object to this provision. In practice a striking union can ignore an unfavorable decision of

the Tribunal by continuing the strike on other grounds. Three disputes were referred to the Tribunal during the year.

There is no prohibition on unions affiliating internationally.

b. *The Right to Organize and Bargain Collectively.*—Workers are free, in law and practice, to organize and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy.

Under the Industrial Relations Act, an employer may not take action against any employee for participation or membership in a trade union. Complaints may be pursued through a court of law, through the Industrial Tribunal, or through the Commission Against Injustices (a government-appointed body composed of representatives of the government and the opposition); but most disputes are resolved directly between the parties. Workers fired solely for union activities must be reinstated.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution bans forced labor, and it does not occur.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.). The law prohibits the employment of children younger than the age of 16. This injunction is generally respected, but some underage children are employed during summer months, especially as domestics, restaurant kitchen help, or vendors. The Department of Labor enforces the law effectively, but it is lenient in cases of summer employment of underage youths in businesses run by their families.

e. *Acceptable Conditions of Work.*—The weekly legal minimum wage is $108 (43.25 Maltese liri) for persons under age 17; $111 (44.47 Maltese liri) for 17-year-olds; and $118 (47.38 Maltese liri) for persons age 18 and over. Additionally, a mandatory bonus of $10.58 (4.23 Maltese liri) per week is paid. This minimum wage structure provides a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulate work-hours; for most sectors the standard is 40 hours per week, but in some trades it is 43 or 45 hours per week.

Government regulations prescribe a daily rest period, which is normally 1 hour. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor effectively enforces these requirements.

Enforcement of the 1994 Occupational Health and Safety (Promotion) Act is uneven, and industrial accidents remain frequent. Workers may remove themselves from unsafe working conditions without jeopardy to their continued employment.

f. *Trafficking in Persons.*—No law specifically prohibits trafficking in persons, although traffickers may be prosecuted under the Immigration Act for unlawful entry or unregulated status.

There were no reports that persons were trafficked in, to, or from the country.

MOLDOVA

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. President Petru Lucinschi began his 4-year term in 1997. Prime Minister Ion Sturza began his term in March and led a proreform coalition government until he was dismissed by a vote of no confidence on November 9. The Communist Party, with 40 members of Parliament, along with 9 centrist and 9 far-right independent members of Parliament approved a new government led by Dumitru Braghis on December 21. Three center and center-right parties hold the remaining 44 seats in Parliament. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by

the separatists' continuing demands for "statehood" and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (bashkan) and 35 deputies to their popular assembly in free and fair elections in September.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security controls other security organs, including the border guards. The Constitution assigns to Parliament the authority to investigate the activities of these ministries to ensure that they comply with existing legislation. Some members of the security forces committed a number of human rights abuses.

The country continued to make progress in economic reform. International observers viewed the Governments of former Prime Minister Sturza and Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 800 of approximately 1,000 large collective farms have applied for the Government's land privatization program. To date approximately 250,000 landowners have received title to almost 800,000 plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about $444 per capita but may be considerably underestimated because of underreporting for tax purposes. The officially reported median salary is $24 per month. According to government statistics about 80 percent of the population lives below the poverty level and 10 percent of the rural population has a per capita income of less than one-quarter of that level. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. The GDP decreased by 8.6 percent in 1998 and was projected to decline by 5 percent in 1999. A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate suffered two sharp drops early in the year as a result of the 1998 Russian economic crisis but remained stable for most of the year. The average monthly inflation rate was about 3 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abuse detainees and prisoners. Prison conditions remain harsh, with attempts to improve them hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. Journalists practice self-censorship. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persist. Trafficking in women and girls is a significant problem. Addressing a minority concern, the Constitution allows parents the right to choose the language of education for their children.

The Transnistrian authorities continue to be responsible for abuses, including questionable detentions, harassment of independent media, restrictions on freedom of religion, and discrimination against Romanian/Moldovan speakers.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of politically motivated killings either in Moldova or its separatist region.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were credible reports that police sometimes beat and abuse prisoners or suspects.

A businessman alleged that his brother was kidnaped by the police for 3 days in July. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in mid-December that physical assault charges were pending against three police officers, but at year's end, there was no investigation into the racketeering charges.

On June 23, violent clashes took place between police and members of the General Federation of Trade Unions protesting wage arrears in Chisinau's central square. Authorities reportedly arrested 13 protesters, 2 of whom required hospitalization (see Section 6.a.).

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences are only marginally better. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continues at diminished levels. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing.

Human rights monitors are permitted to visit prisons.

Requests by human rights monitors to inspect prisons in Transnistria have been refused.

After questionable trials, four ethnic Moldovans are serving sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). At the end of July, one of the four sent a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited the prisoner in mid-July and observed that he did not appear to be in imminent danger. At year's end, he still was claiming to be on a hunger strike. The wives of all four complained that they were not able to visit in December, although they were allowed to send food. The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and 1993 in Tiraspol but later was denied visitation. The ICRC was negotiating with Transnistrian officials at year's end to visit these prisoners with an international medical team.

d. *Arbitrary Arrest, Detention, or Exile*.—The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. Prosecutors issue arrest warrants. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged, a suspect may be released pending trial. There is no system of bail, but in some cases, in order to arrange release, a friend or relative may give a written pledge that the accused would appear for trial. Suspects accused of violent or serious crimes generally are not released before trial. The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right under the Constitution to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice at year's end, of a prison population of 9,449, 2,839 persons were held in confinement awaiting trial (these statistics do not include persons held in Transnistria).

According to the Constitution, a detained person must be informed immediately of the reason for his arrest and must be made aware of the charges "as quickly as possible." The accused has the right to a defense attorney throughout the entire process, and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation.

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. There were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, on the nomination of the Su-

perior Court of Magistrates, appoints judges for an initial period of 5 years. They may be reappointed for a subsequent 10 years, after which they serve until retirement age. This provision for judicial tenure is designed to increase judicial independence.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, a Supreme Court, and a Constitutional Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to attend proceedings, confront witnesses, and present evidence. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. Because of a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. Court decisions involving the restitution of salary or a position are not always implemented.

To date no pattern of discrimination has emerged in the judicial system. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Romanian/Moldovan.

There continue to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison. Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. It reviewed 139 cases, almost twice its caseload of 71 for 1998. The Court found unconstitutional 21 laws, 8 parliamentary decisions and regulations, and 24 government acts. The Court took a decisive step towards independence when it ruled in November that only Parliament, not the President, could amend the Constitution with a referendum.

There were no reports of political prisoners outside Transnistria.

In Transnistria, four ethnic Moldovans, members of the "Ilascu Group," (one of whom, Ilie Ilascu, is an elected member of the Moldovan Parliament but has never been able to take his seat) remain in prison following their conviction in 1993 for allegedly killing two separatist officials. International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Front, a Moldovan political party that favors unification with Romania. Family members have been allowed access. The OSCE was permitted to visit one of the prisoners in July. In July the European Court of Human Rights began examining Ilascu's case and in November ordered the Government to file a response by February 2000. International organizations pressured the Transnistrian authorities to retry the "Ilascu Group;" in July the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilascu's death sentence.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Prosecutors issue search warrants. In some instances searches are conducted without warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

It is widely believed that security agencies continue to use electronic monitoring of residences and telephones without proper authorization. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is under way. In practice the prosecutor's office lacks the ability to control the security organizations and police and prevent them from using wiretaps illegally.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution and the law provide for freedom of speech and of the press, although with some restrictions. The Government does not abridge freedom of speech, and the print media express a wide variety of political views and commentary. National and city governments subsidize a number of newspapers, but political parties and professional organizations, including trade

unions, also publish newspapers. Most newspapers have a circulation of less than 5,000.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these "independent" media are still in the service of a political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including a religious one, with some rebroadcasting from Romania and Russia. There are three independent television stations in the Chisinau area and one in the city of Balti. The Government owns and operates several radio stations and a television channel that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations. The Association of Electronic Press was founded in September. The Association of Independent Press was founded in July 1997.

The Constitution restricts press freedoms, forbidding "disputing or defaming the State and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. The civil code includes an article that allows public figures to sue for defamation without distinguishing between their private and public persons. Criticism of public figures has resulted in a number of lawsuits, and as a consequence, journalists practice self-censorship. In cases where suits have been filed against journalists and media organs, the plaintiffs usually lose. There is no freedom of information legislation, and journalists and ordinary citizens often have difficulty obtaining information from government organizations.

The Government does not restrict foreign publications. However, Western publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania and Russia. A small number of cable subscribers receive a variety of foreign cable television programs.

Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There are also independent newspapers in Tiraspol and the northern Transnistrian city of Ribnitsa. The latter two criticize the regime from time to time and have been harassed by the separatist authorities. Other print media in Transnistria do not have large circulations and appear only on a weekly or monthly basis. Nonetheless, some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but currently it is producing less than 10 hours of programming per week. Resistance to this move comes from the local official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues. Most Moldovan newspapers do not circulate in Transnistria. Circulation of all print media in Transnistria is hampered by the closed nature of society. The independent newspaper in Tiraspol effectively was shut down from January to August through repeated confiscations by the Transnistrian authorities. Authorities did not present search warrants or court orders for these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal and fined the Ministry of State Security and intervention by the OSCE, the newspaper began to publish again in August, although with a sharply limited circulation and under a modified name. The repeated confiscations of the newspaper created serious financial difficulties for its editors. The Ribnitsa newspaper almost was put out of business by two costly libel suits by local officials.

The Government respects academic freedom.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly, and authorities respect this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. A protest in June turned violent, with 13 persons arrested and 2 reportedly hospitalized. The Minister of Internal Affairs stated that the protest threatened public order.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respect this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 26 parties have met the requirement of the October 1998 law for 5,000 members and are registered officially.

c. *Freedom of Religion.*—The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could—and in some instances did—inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each

person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. The Salvation Army registered in October 1998, after having been denied registration in 1996 on technical grounds. Jehovah's Witnesses were unable to register in Tiraspol in 1997 and have not attempted to register subsequently.

The law on religion as amended to legalize proselytizing—in principle bringing the legislation in line with the European Convention on Human Rights—went into effect in June. However, the law on religion explicitly forbids "abusive proselytizing." Abusive is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." Although some Protestant groups were concerned that the previous prohibition on proselytizing could inhibit their activities, the Government has not taken legal action against individuals for proselytizing.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. In 1992 a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate, in order to form the Bessarabian Orthodox Church. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Dniester and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political overtones, since it raises the question whether the Orthodox Church should be united and oriented toward Moscow or divided with a branch oriented toward Bucharest. In 1997 the Supreme Court overturned an appeals court decision affirming the right of the Bessarabian Church to be registered. However, the Supreme Court's decision was based on a procedural issue, rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court in 1998. In March a Council of Europe Monitoring Committee Report noted that the nonregistration of the Church was one of the Government's failures in honoring its commitments to the Council. Then-Prime Minister Sturza announced in September that it had been a mistake not to register the Bessarabian Church, and that his Government was ready to reconsider the issue.

In May a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church that was under construction. The Baptists claimed that the village mayor was the leader of the group and was involved personally in the injuries and destruction, a charge the mayor denied. Someone in the crowd threw stones and hit a Baptist member who tried to photograph the incident. The Government is investigating the case, but there were no developments at year's end. A spokesman for the Orthodox Church reportedly expressed regret for the act of violence but blamed it on "abusive proselytizing by the Baptist Church." The Baptists also claimed that they had been denied construction permits wrongfully in some villages (also see Section 5).

In January 1998, authorities in Transnistria cancelled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials burned a number of shipments of religious tracts based on the fact that the group was not registered properly. According to local leaders of Jehovah's Witnesses, several members were questioned by local state security officers but always have been released within 1 hour.

The Church of the Living God has been denied registration in five towns in Transnistria. Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were reported during the year.

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles. The Moldovan Government in May established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria.

Moldova is not a party to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. The issue of providing first asylum has never arisen formally. There were no reports of the forced return of persons to a country where they feared prosecution.

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

Citizens have voted in multiparty presidential and parliamentary elections since December 1996. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in all these elections. These elections represent further progress in the transition to a democracy.

The Constitution adopted in 1994 provides for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President, as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. However, a minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President called a May referendum to create a stronger presidency. Based on a positive response, the President proposed an initiative to revise portions of the Constitution in August, and it was under public discussion. The proposal would create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." This controversial issue was part of the November government crisis.

The Constitution states that citizens are free to form parties and other social-political organizations. However, a controversial article states that those organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are "unconstitutional." Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities.

A new law on administrative and territorial reform went into effect in January and reduced the number of administrative districts from 42 to 12. These new districts included the municipality of Chisinau, the Gagauz autonomous region, and the Transnistrian region. Citizens voted for mayors and newly created district and municipal councils in May elections.

Twenty-three parties and a number of independent candidates participated in the campaign (see Section 2.b.). Although the parties in Parliament won most of the posts, a leftist party, not in Parliament, gained several positions in the north, and independents were elected throughout the country. Transnistrian authorities did not allow citizens to vote in their region. The Gagauz did not participate in the May elections but held separate elections in September for governor (bashkan) and 35 deputies to its popular assembly. Besides electing a new governor, the Gagauz region also elected 26 newcomers to the popular assembly.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since. Russian, Ukrainian, and OSCE mediators have attempted to encourage the two sides to reach a settlement that preserves Moldovan sovereignty and independence while granting a measure of autonomy to Transnistria. In 1997 the Transnistrian authorities signed a Memorandum of Understanding with the Government that encompasses these objectives. However, since then further negotiations have been inconclusive, and there was no significant progress towards a settlement by year's end.

There are no restrictions in law or practice on the participation of women or minorities in political life. However, women generally are underrepresented in leading positions both in government and political parties. Women hold only 8 of 101 parliamentary seats. All female parliamentarians formed a "club" in September to unite efforts to improve the social condition of women and children. The Association of Moldovan Women, a social-political organization, competed in the 1998 parliamentary elections but was unable to gain parliamentary representation. Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Romanian/Moldovan or Russian language, with translation provided.

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

Several local human rights groups exist. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. Human rights groups operate without government interference.

Citizens may appeal to the European Court in Strasbourg if they believe that their rights have been violated or that Moldovan laws are not in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. However, most citizens are unaware of the convention and their rights to legal remedies in general.

Parliament passed the Law on Parliamentary Advocates in October 1997, which created three positions of parliamentary advocates (ombudsmen) and established an independent center for human rights. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for a 5-year term. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights issues, and have the right to appeal to the Constitutional Court for review of legislation. The advocates oversee the operation of the center, which opened in April 1998 with the support of the U.N. Development Program. Of the approximately 1,000 complaints handled by the center in its first year, the majority involved economic issues or were otherwise outside the competency of the center.

The Government has supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to bring about a resolution of the separatist conflict. The OSCE participates in the Joint Control Commission—composed of Moldovan, Russian, Ukrainian, and Transnistrian members—which reviews violations of the cease-fire agreement. The mission generally enjoys access to the "security zone" along the river dividing the separatist-controlled territory from the rest of the country.

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict (since released). The Transnistrian separatist authorities previously have not allowed the ICRC access to the four members of the original "Ilascu Group" who have remained in prison since 1993. Transnistrian authorities in August agreed in principle to allow the ICRC to visit the Ilascu Group, though details of the visit had not been finalized at year's end. The OSCE visited one of the prisoners in July (see Section 1.e.).

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

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin. There are remedies for violations, such as orders for redress of grievances, but these are not always enforced.

Women.—Spousal violence is known to occur, although there are no reliable statistics on the problem. A prominent women's rights advocate asserts that one-half of women are victims of domestic violence. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. Women abused by their husbands have the right to press charges; husbands convicted of such abuse may receive prison sentences (typically up to 6 months). The First Lady and the mayor of Chisinau initiated a project in October to open a women's shelter in Chisinau. The city donated a former kindergarten to a private organization to operate the shelter, and a member of Parliament was named as executive director of the organization. A private organization operates a confidential service to provide support to abused spouses, including a hot line for battered women. According to knowledgeable sources, women generally do not appeal to police or the courts for protection against abusive spouses because they are embarrassed to do so and are not convinced that the authorities would react positively, as the police generally do not consider spousal abuse a serious crime. Through September the Ministry of Internal Affairs recorded 150 cases of rape or attempted rape, a slight decrease from the same period in 1998. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

Trafficking in women is a very serious problem (see Section 6.f.).

The law provides that women shall be equal to men. However, according to statistics, women have been affected disproportionately by growing unemployment. By law women are paid the same as men for the same work, although they still are victimized by societal discrimination. There are a significant number of female managers in the public sector and in banking. The president of the country's largest bank is a woman.

Children.—There is extensive legislation designed to protect children, including extended paid maternity leave and government supplementary payments for families with many children. Ten years of basic education are compulsory, followed by either technical school or further study leading to higher education. The health system devotes extensive resources to child care. Although child abuse does occur occasionally, no special problems came to light during the year. There are no statistics on child abuse. Child support programs suffered from inadequate funding.

Homeless children live in the streets of Chisinau and other large urban areas, although current reliable information on the number is not available. Estimates were as high as 1,000 in 1998. Trafficking in girls is a very serious problem (see Section 6.f.).

People with Disabilities.—There is no legal discrimination against persons with disabilities. However, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government does provide tax advantages to charitable groups that assist the disabled.

Religious Minorities.—Tension between Eastern Orthodox supporters and Protestant groups continued. In May a group of about 500 Orthodox Christians and from 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons and partially destroying a Baptist church that was under construction. The Baptists allege that the same priests were instigators of a number of other conflicts in the region (also see Section 2.c.).

National/Racial/Ethnic Minorities.—The population is about 4.3 million, of which 65 percent are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz are largely Russian-speaking and represent about 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma nongovernmental organizations range from 50,000 to 200,000.

The 1990 citizenship law offered an equal opportunity to all persons residing in the country at the time of independence to adopt Moldovan citizenship. The OSCE's Office of Democratic Institutions and Human Rights described the law as very liberal. The law permits dual citizenship on the basis of a bilateral agreement, but no such agreements are in effect.

Implementation of language testing by 1994, which was called for in the 1989 language law, has not yet begun. According to the law, a citizen should be able to choose which language to use in dealing with government officials or commercial entities. Officials are obligated to know Russian and Romanian/Moldovan "to the degree necessary to fulfill their professional obligations." Since many Russian speakers do not speak Romanian/Moldovan (while educated Moldovans speak both languages), they argued for a delay in the implementation of the law in order to permit more time to learn the language. Parliament has postponed implementation indefinitely. Addressing a minority concern, the Constitution provides parents with the right to choose the language of instruction for their children.

In October the Parliament approved the Government's decision to grant "district" status to Taraclia, a region in the south with a 64 percent ethnic Bulgarian majority. The vote reversed the results of the territorial-administrative reform begun in January, which had eliminated Taraclia's district status and subsumed it under a region where Bulgarians would no longer constitute a majority. Voters in the Taraclia district approved a referendum in January not to be included in the larger district, with 88 percent of eligible voters participating and 92 percent voting in favor of the referendum.

However, in the separatist Transnistrian region discrimination against Romanian/Moldovan speakers continued. State schools are required to use the Cyrillic alphabet when teaching Romanian. Many teachers, parents, and students objected to the use of the Cyrillic script to teach Romanian. They believe that it disadvantages pupils who wish to pursue higher education opportunities in the rest of the country or Romania. (Cyrillic script was used to write the Romanian language in Moldova until 1989, since "Moldovan," as it was then called, was decreed officially during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet. The 1989 language law reinstituted the use of the Latin script.) As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region obtained permission in 1996 to use the Latin alphabet, with salaries and textbooks to be supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government has no budgetary provisions for the

high rents asked for these facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, the separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in September without restriction from the authorities. The school is running three to four shifts per day to accommodate the number of students.

Section 6. Worker Rights

a. *The Right of Association.*—The 1990 Soviet law on trade unions enacted by Moldova's then-Supreme Soviet remains in effect and provides for independent trade unions. Laws passed in 1989 and 1991, which give citizens the right to form all kinds of social organizations, also provide a legal basis for the formation of independent unions. The 1994 Constitution states that any employee may found a union or join a union that defends workers' interests. However, there have been no known successful attempts to establish alternate trade union structures independent of the successor to the previous official organizations that were part of the Soviet trade union system.

The successor organization is the General Federation of Trade Unions (GFTU). The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over any newcomers who might wish to form a union. However, its industrial or branch unions are becoming more independent entities; they maintain that their membership in the GFTU is voluntary and that they can withdraw if they wish. Virtually all employed adults are members of a union.

Government workers do not have the right to strike, nor do those in essential services such as health care and energy. Other unions may strike if two-thirds of the members vote for a strike in a secret ballot. There were several labor actions for payment of wage arrears, including a number of strikes by teachers, health care workers, and spouses of police officers in various parts of the country. In June violent clashes occurred between members of the GFTU protesting wage arrears and police officers in Chisinau, resulting in the arrest of 13 protesters, including 2 who were hospitalized (see Section 1.c.). The government avoided more serious strikes when it pledged regular payments of salaries and pensions after a July meeting with the GFTU. The Government made some salary and pension payments but was unable to eliminate all arrears by year's end.

Unions may affiliate and maintain contacts with international organizations. The GFTU became a member of the International Confederation of Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—The law, which is based on former Soviet legislation, provides for collective bargaining rights. However, wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Then, each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may set wages higher than the minimum set on the national level and often do, especially if the industry in question is more profitable than average. Finally, on the enterprise level, union and management representatives negotiate directly on wages. Again, they may set wages higher than negotiators on the industry level.

There were no reports of actions taken against union members for union activities. The 1990 Soviet law on trade unions provides that union leaders may not be fired from their jobs while in leadership positions or for a period after they leave those positions. There were no reports of such firings this year.

There are not export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced and compulsory labor, and it generally is not known to occur; however, trafficking in women is a very serious problem (see Section 6.f.). The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred, except for instances of trafficking in girls (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor, Social Protection, and the Family is primarily responsible for enforcing these restrictions and the Ministry of Health also has a role. Child labor is not used in industry, although children living in rural areas often assist in the agricultural sector. Ten years of education are compulsory. The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred, except in instances of trafficking in girls (see Sections 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—There is a legal minimum monthly wage of $1.64 (18 Moldovan lei), but this is used primarily as a basis for calculating pensions, scholarships, and fines. The average monthly wage of approximately $27 (300 Moldovan lei) does not provide a decent standard of living for a worker and family. The lowest wages are in the agricultural sector, where the monthly average is approximately $11 (120 Moldovan lei). Due to severe budgetary constraints, the Government and enterprises often do not meet payrolls for employees. The Constitution sets the maximum workweek at 40 hours, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in the factory or fine the enterprise if safety standards are not met. Further, workers have the right to refuse to work, but they may continue to draw their salaries if working conditions represent a serious threat to their health. However, in practice the depressed economic situation has led enterprises to economize on safety equipment and generally to show less concern for worker safety issues. Workers often do not know their rights in this area.

f. *Trafficking in Persons.*—Although no statistics are available, trafficking in women and girls is a very serious problem, especially to Turkey, Greece, Italy, and Israel. Moldova is a source country for women and girls. Women and girls reportedly are trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. There is no law prohibiting trafficking and it cannot be prosecuted under other statutes. The Government lacks legislation and the means to halt traffickers, who technically commit no crimes within the country. The large profits of the trafficking industry allow traffickers to exploit opportunities for the corruption of officials.

Women and girls accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. Then traffickers take their passports, require them to "repay" a sizeable sum, and force them into sexual bondage.

The Ministry of Internal Affairs announced in December that is had uncovered a network trafficking children between Moldova and Uzbekistan. According to the Ministry, 18 children, most of them under 1 year of age, were sold in Tashkent during 1998 and 1999 and the average price for the children was between $2,000 and $3,000. The Ministry of National Security stopped a similar ring that was trafficking children between Moldova and Israel in 1995. Apart from a documentary shown on state television on the problem, the Government has taken few steps to prevent the trafficking of women. Several nongovernmental organizations made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. A local NGO has started a project to create a program in public schools that would educate young women about the dangers of prostitution and to establish a hot line for those in need of advice. The NGO also is organizing seminars to train law enforcement officials, social workers, and journalists on how to handle the problem of trafficking.

MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are Counselors for the Interior (who is usually French), for Public Works and Social Affairs, and for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. There are in addition three consultative bodies, whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials control both forces.

The principal economic activities are services and banking, light manufacturing, and tourism.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 5,000 residents who hold Monegasque nationality. The latter enjoy free education, financial assistance in case of unemployment or illness, and the right to vote and hold elective office. Women

traditionally have played a less active role than men in public life, but this is changing; women currently hold both elective and appointive offices.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet or exceed minimum international standards, and the Government permits visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution bars arbitrary arrest. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect might either flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Government does not exile its own nationals forcibly. However, sometimes it expels non-Monegasque nationals who are in violation of residency laws or who have committed minor offenses, such as disorderly conduct.

e. *Denial of Fair Public Trial.*—Under the 1962 Constitution, the Prince delegated his judicial powers to an independent judiciary. The law provides for a fair, public trial, and the authorities respect these provisions. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the individual's right of privacy in personal and family life, at home, and in correspondence, and the Government respects these rights in practice.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Freedom of expression is provided for by the Constitution, and the authorities respect this right in practice. However, the Monegasque Penal Code prohibits public denunciations of the ruling family, a provision that the media respect in practice. Several periodicals are published. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the rights of peaceful assembly and association. Outdoor meetings require police authorization, which is not withheld for political or arbitrary reasons. Formal associations must be registered and authorized by the government.

c. *Freedom of Religion.*—Roman Catholicism is the state religion. The law provides for the free practice of all religions, and the Government respects this right in practice.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Residents move freely within the country and across its open borders with France. Monegasque nationals enjoy the rights of emigration and repatriation. They can be deprived of their nationality only for specified acts, including naturalization in a foreign state. Only the Prince can grant or restore Monegasque nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

The government implements the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In light of its bilateral arrangements with France, the government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of cases is very small. There were no reports of forced expulsion of those having a valid claim to refugee status.

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

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French government. He names as well the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. Both political parties currently are represented on the Council. There is one independent member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The 12-member Council of State advises the Prince on proposed legislation and regulations. The 30-member Economic Council advises the government on social, financial, and economic questions. One-third of its members come from the trade union movement, and one-third from the employers' federation.

Women are active in public service. The Mayor of Monaco, one member of the Crown Council, four members of the National Council, and four members of the Economic Council are women.

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

While the Government imposes no impediments to the establishment or operation of local groups devoted to monitoring human rights, no such groups have been formed. Outside groups have not sought to investigate human rights conditions.

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

The Constitution provides that all Monegasque nationals are equal before the law. It differentiates between rights that are accorded nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded all residents (e.g., freedom of religion and inviolability of the home).

Women.—Reported instances of violence against women are rare. Marital violence is strictly prohibited, and any woman who is a victim may bring criminal charges against her husband. Women are fairly well represented in the professions; they are less well represented in business. The law governing transmission of citizenship provides for equality of treatment between men and women who are Monegasque by birth. However, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children.—The government is fully committed to the protection of children's rights and welfare and has well-funded public education and health care programs. There is no societal pattern of abuse of children.

People with Disabilities.—The government mandated that public buildings provide access for the disabled, and this has been largely accomplished.

Section 6. Worker Rights

a. *The Right of Association.*—Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few of these reside in the Principality. Unions are independent of both the government and the Monegasque political parties. The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

The Constitution provides for the right to strike in conformity with relevant legislation. However, government workers may not strike. Strikes are rare. The first strike in several years occurred in 1996, when the Monegasque Confederation of Unions organized a 1-day work stoppage by bank, transportation, and factory employees.

b. *The Right to Organize and Bargain Collectively.*—The law provides for the free exercise of union activity. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the

employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Such practices, involving either adults or children, are prohibited by the Constitution, and they are not known to occur among adults or children.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. The Constitution prohibits forced and bonded child labor, and the government enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The legal minimum wage for full-time work is the French minimum wage plus 5 percent, i.e., currently approximately $6.90 (42.76 French francs) per hour. The 5 percent adjustment is intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France into the Principality. The minimum wage is adequate to provide a decent living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector.

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

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The police, the royal constabulary, and investigative organizations concerned with internal and external security effectively are under civilian authority.

The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high. Unemployment is 3-percent; however, long-term unemployment, particularly among ethnic minorities, remains a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Problems include violence and discrimination against women, child abuse, trafficking in women and children, and discrimination against minorities. The Government is taking steps to deal with all of these problems.

Aruba and the Netherlands Antilles, which are two autonomous regions of the kingdom, also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally is little different from that in the European Netherlands. The two Caribbean Governments have taken measures to address past reports of police brutality, but the islands' prison conditions remain substandard.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

Following a visit to the country, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report in 1998 that noted that it did not find any torture and few incidents in which officials did not treat arrested or detained persons correctly. The CPT

made a positive assessment of the facilities at most police stations and at detention, secure psychiatric, and asylum centers. However, in March the Government rejected the CPT's recommendation that detainees at one maximum security prison be allowed better access to medical and recreational facilities, since the prison houses serious offenders who previously have escaped.

The Government took steps in the fall to facilitate the filing of complaints about police behavior, to create uniform complaint procedures, and to ensure that complaints are assessed by an independent committee.

A government-funded police professionalization program, as well as the establishment of a grievance committee, have contributed significantly to countering incidents of police brutality in both the Netherlands Antilles and Aruba. No new incidents were reported, nor have there been any allegations of torture.

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

In other reports, the CPT has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. The CPT's most recent report criticized the absence of any major improvement in conditions at the Koraal Specht prison.

The Dutch Government repeatedly offered financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and the training of guards. While acknowledging that more work needs to be done, Koraal Specht prison officials point to progress in improving conditions (prisoners now have mattresses, hygiene and food have improved, and construction has begun on a small new wing to relieve overcrowding). At the request of the Antillean Government, the CPT again visited Koraal Specht in January. In March it issued another critical report, which called for early improvements. On March 19, the Dutch Government concluded an agreement with the Antillean Government on the prison complex's renovation within 3 years. In September the Antillean Government contracted for the construction of a new facility at the prison complex that is expected to be ready by July 2000. The Dutch Government is prepared to contribute financially to the prison's renovation.

The Governments of the Netherlands Antilles and Aruba allow access by nongovernmental organizations to prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

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

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low income persons), and to appeal. The law provides for the right to a fair trial, and the independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. State subsidies are provided to religious organizations that maintain educational facilities.

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

The law provides 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. There were no reports of the forced expulsion of those having a valid claim to refugee status. The Government does not provide first asylum as such, but most asylum seekers (88 percent in 1998), except those who obviously came from a "safe country of origin" or stayed for some time in a "safe third country," are permitted to apply for resident status. Some of those (about 19 percent in 1998) whose applications eventually are denied nonetheless are permitted to stay temporarily on humanitarian grounds or as long as their country of origin is considered unsafe.

The focus of the Government's asylum policy is to protect genuine refugees while excluding economic refugees and illegal immigrants. In the early 1990's, the government adopted several measures to curb the relatively high influx of asylum seekers. This policy initially resulted in the desired decrease, but as other countries adopted even stricter laws, the influx rose again to 45,217 in 1998, a 31 percent increase over 1997. A new series of harsher rules adopted in 1998 aims to discourage economic refugees at all stages of the asylum process, by means of a stricter intake, accelerated processing of asylum requests, limited appeal procedures, and a denial of social assistance to asylum seekers who are screened out.

The Justice Ministry estimates on the basis of interviews with applicants that two-thirds of asylum seekers came to the country through alien smuggling organizations.

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.

No restrictions in law or in practice hinder the participation of women and minorities in government and politics. Women are nevertheless underrepresented in politics: A total of 54 of the 150 members of the second chamber of Parliament are women, as are 4 of the 15 cabinet ministers. However, the two Deputy Prime Ministers are women. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although a minority, women also hold positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

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

Human rights groups operate without government restriction, investigating and publishing their findings. Government officials are very cooperative and responsive to their views.

In view of its longstanding tradition of hosting international legal tribunals, the Government facilitated the trial of two Libyans accused of the bombing of PanAm flight 103 on December 21, 1988, which killed 270 persons. By agreement among the parties, the Government provided Camp Zeist to the United Kingdom as an extraterritorial venue for the trial, which began in April and is being conducted under Scottish law.

The Netherlands also hosts the International Criminal Tribunal for the Former Yugoslavia and the headquarters for the International Criminal Tribunal for Rwanda.

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

The Constitution bans discrimination on the basis of any of these factors or on sexual orientation or political preference. The Government generally is effective in enforcing these provisions. Under the Equal Treatment Act, complainants may take offenders to court under civil law.

Women.—A 1998 study reported that about 211,000 women are victims of violence by their former and present partners each year; about 50,000 of these are subjected to severe violence. In addition to the personal suffering, this form of violence against women costs society about $175 million (332 million guilders) per year in hospitalization and absence from work.

The Government supports programs to reduce and prevent violence against women. Battered women find refuge in a network of 48 government-subsidized women's shelters offering the services of social workers and psychologists. In addition battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic subsidy as well as an allowance for dependent

children. Nongovernmental organizations also advise and assist women who are victims of sexual assault. Since 1991 marital rape has been a crime and carries the same penalty as nonmarital rape. Spousal abuse carries a one-third higher penalty than ordinary battery.

In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. A recent evaluation showed that, on average, two-thirds of the population was positively influenced by the campaign.

Prostitution is legal, and since October the law no longer treats "organizing the prostitution of somebody else" as a crime when done with the consent of the prostitute. However, any form of forced prostitution remains punishable. All brothels now require licenses issued by local governments with strict conditions to be observed by brothel owners. The Government's assumption is that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution would be less susceptible to criminal organizations trafficking in women and children. An additional advantage is that the licensing system would make prostitution more transparent and easier for the police to monitor. Between 20,000 and 30,000 individuals are employed in prostitution. It is estimated that half of all prostitutes originate from non-European Union countries and are residing illegally in the country. Trafficking in women for the purpose of forced prostitution remains a problem, which the Government is giving priority to fighting (see Section 6.f.).

The law requires employers to take measures to protect workers from sexual harassment; research shows that about 245,000 women, or 6.6 percent of the female working population, are confronted with sexual intimidation in the work place each year. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, it has taken measures to counter harassment among civil servants, for example, in the police force.

Women increasingly are entering the job market, but traditional cultural factors and inadequate day care facilities tend to discourage them—especially women with young children—from working. The participation of women in the labor market increased significantly in the last 25 years, from 34 percent of the working-age female population in the mid-1970's to 54 percent in 1999. This percentage is expected to rise further. However, about 42 percent of women hold part-time jobs. In 1998 the government established favorable conditions for part-time employment by adopting a law that prohibits employers from treating part-time workers differently from those in full-time jobs.

Women often are underemployed and have less chance of promotion than their male colleagues. They often hold lower level positions than men, mostly because of their part-time status. According to the Ministry of Social Affairs and Employment, the difference in earnings between men and women remains at 24 percent. Some women nevertheless are making steady progress by moving into professional and high-visibility jobs.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more provisions to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay discrimination.

The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law that requires employers to allow new mothers and fathers to work 20 hours a week for up to 6 months was made more flexible in 1997. The new law allows parents to take (unpaid) full-time leave during 3 months and to extend the leave over a period longer than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also will be entitled to parental leave.

Children.—The Government works to ensure the well-being of children through numerous well-funded health, education, and public information programs. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of parental rights. In addition the Government has set up a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis. There is no societal pattern of abuse of children.

An estimated 50,000 children are victims of child abuse each year, although only approximately 15,000 formal reports of child abuse are registered. As a result of abuse, 40 children died in 1998. The U.N. Commission on Childrens' Rights recently questioned the Government about its performance in this area. In particular the United Nations questioned the long waiting list for assistance to abused children. Approximately 7,000 abused children are on the waiting list.

International sex tourism involving the abuse of minor children is prosecutable. Since 1996 several Dutch citizens have been tried and convicted for the abuse of minors in other countries. The age of consent is 16. The prosecution of adults for sex with minors between the ages of 12 and 16 only occurs when a complaint is filed by an interested party. The new prostitution bill imposes heavier penalties on prostitution activities involving minors. The maximum sentence will be raised from 1 to 6 years.

Trafficking in female African youths for the purpose of prostitution is a problem (see Section 6.f.).

The maximum penalty for child pornography was raised in 1996 from 3 months' to 4 years' imprisonment, 6 years in the event of financial gain, and the maximum fine was more than tripled. New legislation allows for provisional arrest, house searches, and criminal financial investigations. Moreover the authorities no longer must prove that a person possesses child pornography for the purpose of distribution or public display. The Supreme Court ruled that the mere possession of child pornography is sufficient cause for prosecution. For the first time, in 1998 a suspect was convicted and sentenced solely on this ground.

The discovery of a major child pornography case in July resulted in stricter enforcement of antichild abuse legislation and the allocation of additional resources to enforcement efforts. It also underscored the absence of appropriate legislation to fight the dissemination of child pornography over the Internet. The Government believes that international cooperation is required to deal effectively with the latter problem but nevertheless began a national offensive against child pornography on the Internet. The police now are monitoring the Internet in a large, year-long pilot project, and four suspected pornographers were arrested in late 1998.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Local governments increasingly mandate access to public buildings for the disabled.

Religious Minorities.—There were a number of complaints about anti-Semitism on Internet sites set up by Dutch citizens.

National/Racial/Ethnic Minorities.—The integration of racial and ethnic minorities into the social and cultural mainstream remains a difficult problem.

The Government pursues an active campaign aimed at increasing public awareness of racism and discrimination. The Constitution prohibits discrimination on the basis of race and nationality and allows those who claim that they have been discriminated against to take alleged offenders to court under civil law. In 1997 the prosecution norms for discrimination were tightened. Penalties were raised for discrimination by political parties, companies, and institutions, because organizational discrimination was considered more dangerous than discrimination by individuals. The police were required to report any complaint of discrimination meticulously. Any policeman guilty of discrimination now risks disciplinary measures as well as criminal legal proceedings. According to the latest statistics, in 1997, 112 persons or organizations were tried on discrimination charges. These included 37 labor disputes, 20 cases of defamation, and 11 consumer disputes.

Racially motivated incidents ranged from racist pamphlets and painted slogans to bomb threats, harassment, physical abuse, and destruction of property. However, no officially recorded incidents of a life-threatening nature were directed against ethnic minorities. The National Bureau to Fight Racial Discrimination was founded in July. This Bureau is to collect nationwide statistics on incidents of discrimination. Local antidiscrimination bureaus previously collected such data, but their registration methods differed and the resulting data were incomplete. Due to startup problems, the National Bureau had not yet produced new data; however, incomplete data suggest a further increase in complaints. The Equal Opportunities Committee also reported an increase in complaints about discrimination. These increases were attributed to wider knowledge of the complaints process, as well as to changes in societal attitudes.

Immigrant groups face some discrimination in housing and employment. These groups, concentrated in the larger cities, suffer from a high rate of unemployment. The Government has been working for several years with employers' groups and unions to reduce minority unemployment levels to the national average. As a result of these efforts, in recent years the rate of job creation among ethnic minorities was

higher than among the general population. Unemployment among ethnic minorities nevertheless is still about three times as high as within the native population.

The 1998 Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities. It requires employers with a work force of over 35 people to register their non-Dutch employees. Employers are to strive for a composition of their work force that reflects the regional working population. They must submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law.

The privately run Discrimination on the Internet Registration Center recorded 121 complaints in 1998 about discriminatory statements, racial discrimination, or anti-Semitism on the Internet. Most statements were removed voluntarily by the authors at the Center's request. In one case, the Center requested that criminal proceedings be initiated; such a request is still under review in 20 other cases. In July two rightwing extremists were convicted for incitement to hatred and discrimination on the Internet. This was the first time that discrimination on the Internet resulted in a conviction.

Section 6. Worker Rights

a. *The Right of Association.*—Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Workers are entitled to form or join unions of their own choosing without prior government authorization, and unions are free to affiliate with national trade union federations. This right is exercised freely.

Unions are free of control by the Government and political parties. Union members may and do participate in political activities.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 1998 some 33 labor days per 1,000 workers were lost, mostly over union demands for higher pay and a 36-hour workweek. There is no retribution against striking workers.

About 28 percent of the work force is unionized, but union-negotiated collective bargaining agreements are usually extended to cover about three-quarters of the work force. The white-collar unions' membership is the fastest growing.

The four union federations are active internationally, without restriction.

b. *The Right to Organize and Bargain Collectively.*—The right to organize and bargain collectively is recognized and well established. Discrimination against workers because of union membership is illegal and does not occur.

Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the government meet each autumn to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiate sectoral agreements, which the government usually extends to all companies in the sector.

Antiunion discrimination is prohibited. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The Council is the major advisory board for the government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited by the Constitution and generally does not occur; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children, and this prohibition is enforced effectively (see Section 6.c.). The minimum age for employment is 16 years, and for full-time work it is conditioned on completion of the mandatory 10 years of schooling. Those still in school at the age of 16 may not work more than 8 hours per week. Persons under the age of 18 are prohibited by law from working at night, overtime, or in areas dangerous to their physical or mental well-being. Anyone working more than 4.5 hours per day is entitled to a 30-minute break. The laws are effectively enforced by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

The Government takes a leading role in the international campaign against child labor in developing countries. The main labor federation, together with the U.N.

Children's Fund and several nongovernmental organizations, also started a campaign against the sale of products suspected of being made through child labor and for a "trademark" for clothing made without child labor.

Holiday work and after-school jobs are tied to very strict rules, which are set in the work-time act, the Child Labor Regulation (for young people under 16 years), and the Working Conditions Decree. Observance of the rules is overseen by the Social Ministry's Labor Inspection office. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by labor inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 1997 some 20 employers were cited for employing children under age 13 to do holiday work.

e. *Acceptable Conditions of Work.*—The minimum wage for adults is established by law and can be adjusted every 6 months to changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is about $1,172 (2,345 guilders) per month. For workers earning the minimum wage, employers currently pay $3,750 a year (6,000 guilders) in premiums for social security benefits, which includes medical insurance. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which normally are extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young people under the age of 23—one of the demographic groups with the highest rate of unemployment—intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age. The legislated minimum wage and social benefits available to all minimum wage earners provide an adequate standard of living for workers and their families.

Although the law establishes a 40-hour workweek, the average workweek for those with full-time jobs is 37.5 hours. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively by the tripartite Labor Commission. Enforcement is effective. Workers may refuse to continue working at a hazardous work site. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate.

f. *Trafficking in Persons.*—The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. Article 250 of the Criminal Code prohibits trafficking in persons, which is defined as bringing another person into prostitution by means of force or another act of violence; or by abusing authority ensuing from an actual relationship, circumstance, or by misrepresentation; or by undertaking any action that the perpetrator knows, or could reasonably suspect, may bring another into prostitution.

The country is a major destination for trafficked women. An estimated 20,000 persons per year are trafficked into the country, according to government officials. In July 44 persons were arrested in connection with a large trafficking network that used the Netherlands as a transit point between Italy and Scandinavia. In August four more persons were arrested in an unrelated case involving the trafficking of women from Ukraine, Belarus, Poland, and Romania for prostitution in a border region; a number of other networks were dismantled in border regions during the first half of the year. Some 230 persons were arrested for trafficking in 1998, compared with 139 in 1997 and 89 in 1996.

The Government has an active policy to combat trafficking in persons. High-priority government measures include a more aggressive prosecution policy as well as closer international cooperation. A number of police forces have established special units to deal with the problem. The Government distinguishes between alien smuggling and trafficking in persons.

According to the Justice Ministry, some 20,000 to 30,000 persons work in prostitution, about half of them from non-EU countries who are residing illegally in the country. The Dutch Foundation Against Trafficking in Women estimates that each year between 2,500 and 3,000 women and girls are brought into the country for the purpose of prostitution, primarily from Africa, Eastern Europe, and the Far East.

In 1998 a ruling was obtained under the Aliens Law to prevent illegal residents, who may have become victims of trafficking, from being expelled before investigations are completed. A victim is allowed time (3 months) to consider pressing charges. Victims who do so are allowed to stay in the country until the judicial process is completed. During this period, the victim receives legal, financial, and psychological assistance. In special circumstances, a residence permit is granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries are eligible for temporary financial assistance.

African women make up a sizeable portion of the estimated 15,000 foreign women working as prostitutes in the country. According to the authorities, the most widely used ploy for African women is the fraudulent use of special asylum procedures for minors, who are virtually ensured entry. Although most such women are not actually under age 18, all claim to be. In the absence of any identification, these claims at least initially are accepted. Once at the open-door asylum center, they settle down for a few days before disappearing only to turn up later as prostitutes in the country or elsewhere in Europe.

Traffickers use tried and tested techniques on these African women, such as threatening their families back home and indebtedness (they begin at brothels owing their employers their purchase price of $20,000 to $30,000). Recent reports that traffickers also exploit their traditional religious and spiritual beliefs and use "Voodoo" measures as a method of control are questioned by one academic study.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a 165-seat Storting (Parliament) that is elected every 4 years and cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security, but in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are always under police authority. The civilian authorities maintain effective control of the security forces.

Norway is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents. The key industries are oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports are oil and gas, manufactured goods, fish, and metals. During the year, 79 percent of workers were in the service sector (including public service), and 14 percent were in the manufacturing sector.

The Government generally respected the rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women and abuse of children are problems.

RESPECT FOR HUMAN RIGHTS

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

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

In January prosecutors dismissed the case against former Mossad agent Mike Harari for the killing of Moroccan citizen Achmed Bouchikhi at Lillehammer in July 1973. Under orders to kill suspected Palestine Liberation Organization agent Ali Hassan Salameh, Mike Harari and his Mossad group mistook Bouchikhi for Salameh and killed the wrong man. State Attorney Lasse Quigstad said that the case was dismissed due to lack of evidence.

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

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

The practice of indefinite imprisonment (often in the form of solitary confinement) of suspects during the investigation of criminal cases has been criticized repeatedly, most recently in September, by the Council of Europe's Committee for the Prevention of Torture. Depending on the nature of the alleged crime, the police presently can hold suspects in solitary confinement even prior to charges being filed, subject to varying degrees of restrictions on communications and visits. In response to this criticism, the Ministry of Justice commissioned two working groups to study how to

speed up the judicial process in order to avoid long-term solitary confinement. These groups are to report their recommendations by June 2000. In addition the Attorney General recently introduced new restrictions on the use of solitary confinement for pretrial detainees.

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

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

European human rights organizations criticized the Government's use of indefinite solitary confinement for pretrial detainees (see Section 1.c.). The Constitution prohibits exile, and the Government observes this prohibition in practice.

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

The court system consists of the Supreme Court, the Supreme Court Appellate Court (committee), superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (made up of parliamentarians), the Labor Court, Trusteeship Courts, Fishery Courts, and land ownership severance courts.

All courts, which date to laws passed in the 11th century, meet internationally accepted standards for fair trials, including providing counsel to the indigent. The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

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

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

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State, and to which 93 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. The relationship between the church and the State is increasingly debated by the public. The Workers' Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools, or in day care centers, whether they respect Christian beliefs and principles.

In July the Government suspended two priests in the Church of Norway and asked the courts for approval legally to terminate their priesthood due to insubordination and disloyalty. The priests openly had refused to accept religious and spiritual guidance from their bishop, with whom they were in disagreement on a number of social issues (such as gay rights). Some church and lay leaders questioned the state Church's decision to ask government prosecutors to pursue this case, rather than handle it less formally through "church discipline." The Alta district court had not issued a ruling in this case by year's end.

Other denominations operate freely. A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. In 1995 the Parliament introduced the subject "religious knowledge and education in ethics" into the national school system. The class teaches the ethical values of Christianity, as well as Christian beliefs and the main features of Christianity. All children must attend this mandatory class; there are no exceptions for children of other faiths. Organizations for atheists as well as Moslem communities have contested the legality of forced religious teaching, but the Oslo city court twice has ruled against their arguments. The case was appealed to a higher court and is expected to ultimately go to the Supreme Court. Workers belonging to minority denominations are allowed leave for their religious holidays.

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

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants refugee or asylee status in accordance with the the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

During the year, the Government granted asylum to 181 persons, temporary collective residency permits to 7,957 Kosovars, individual residency permits to 2,609 persons, and asylum as U.N. quota refugees to 1,480 persons. Immigration authorities rejected 3,300 asylum applications. In addition 1,542 persons received residency status through a family reunification program. In July the Government implemented a mandatory visa requirement for all Slovak citizens due to an influx of 130 Slovak Roma claiming refuge in the country; the authorities do not believe that the situation in Slovakia calls for such protection of the Roma. The Government lifted the mandatory visa requirement for a short period in November, before reimposing it in December.

There were no reports of the forced expulsion of those having a valid claim to refugee status or of persons being forcibly returned to countries where they feared persecution.

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

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

No restrictions in law or practice hinder the participation of women in government or in politics generally. A female Prime Minister served for 9 of 10 years between 1986 and 1996. The current Prime Minister appointed women to lead 9 of the 18 ministries. Women hold 60 of the 165 seats in Parliament (36.4 percent), chair 4 of 12 standing committees in Parliament, and lead 3 of the 6 main political parties. A woman heads the Parliament.

In addition to participating freely in the national political process in 1997, Norwegian Sami (formerly known as Lapps) elected their own constituent assembly, the Sameting, for the third time. Under the law establishing the 39-seat body, it is a consultative group which meets regularly to deal with "all matters which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority.

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

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

When the Government took office in 1997, the Prime Minister appointed a Minister of Development, Cooperation, and Human Rights. Based on previous human rights reports, in December the Government presented a White Paper/Action Plan to the Parliament on human rights in Norway and internationally. The White Paper identifies human rights violations both in Norway and abroad and proposes how the Government would work to improve its own human rights record as well as assist other countries in improving theirs. The report lists 16 areas for special attention domestically, including the practice of indefinite detention of suspects in criminal cases (often in solitary confinement). The White Paper presently is being processed by the Parliament, which is expected to revise and vote on it by June 2000. None of the measures in the plan would be implemented until after Parliamentary approval.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government enforces this prohibition in practice.

Women.—Violence against women is a problem. In 1997 there were approximately 30,000 contacts by telephone by women with crisis action centers and 4,360 overnight stays by women at shelters. The police believe that increases in reported rapes and domestic abuse in recent years have been largely due to greater willingness among women to report these crimes. The police vigorously investigate and prosecute such crimes. They also instituted special programs to prevent rape and domestic violence and to counsel victims. Public and private organizations run several shelters that give battered women an alternative to returning to a violent domestic situation.

The rights of women are protected under the 1978 Equal Rights Law and other regulations. According to that law, "women and men engaged in the same activity shall have equal wages for work of equal value." An Equal Rights Council monitors enforcement of the law, and an Equal Rights Ombudsman processes complaints of sexual discrimination. In 1997 there were 101 written complaints and 485 telephone complaints to the gender equality Ombudsman. Women filed 50 percent of the complaints, men 18 percent, and organizations 32 percent.

In 1995 the Parliament adopted a harassment amendment to the Working Environment Act, which states that "employees shall not be subjected to harassment or other unseemly behavior."

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of education and medical care. The Government provides education for children through the postsecondary level. There is no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, assures the protection of children in law and in practice.

Due to abuse or neglect of various degrees, 23,500 children (2.1 percent of children up to the age of 17) were assisted by welfare services in 1998. The level of assistance ranged from protective custody, extra financial help, or simply guidance and support for their parents.

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

Indigenous People.—Apart from a tiny Finnish population in the northeast, the indigenous Sami constituted the only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect Sami cultural rights by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami. In a rare political statement in October at the opening of the third Sami Parliament, King Harald V publicly apologized to the Sami people for repression under Norwegian rule. In 1997 the Government created the position of Deputy Minister in the Ministry of Local Government and Regional Affairs to deal specifically with Sami issues. In 1997 the portfolio of Deputy Minister Johanne Gaup (herself of Sami origin) was extended to include issues pertaining to other minorities and immigrants.

Section 6. Worker Rights

a. *The Right of Association.*—The law provides workers with the right to associate freely and to strike. The Government changed its wage negotiating process in 1996, shifting negotiations from the national to the local and company level. There were 36 strikes in 1998 at the national, regional, local, and company levels, involving 27,000 workers. All strikes were settled through negotiations or compulsory arbitration.

The Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. The Government came under increasing criticism in 1995 for resorting to compulsory arbitration too quickly during strikes. In addition this procedure, which was also invoked several times in the 1980's, particularly in the oil industry, was criticized repeatedly by the Committee of Experts of the International Labor Organization, which argued that the situations were not a sufficient threat to public health and safety to justify invoking compulsory arbitration. The Supreme Court is reviewing a case that will allow it to rule on whether the national process in this regard violates the country's international commitments.

With membership totaling about 60 percent of the work force, unions play an important role in political and economic life and are consulted by the Government on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions and labor federations are free of party and government control. Unions are free to form federations and to affiliate internationally. They maintain strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—All workers, including government employees and military personnel, exercise the right to organize and bargain collectively. Collective bargaining is widespread, with most wage earners covered by negotiated settlements, either directly or through understandings which extend the contract terms to workers outside of the main labor federation and the employers' bargaining group. Any complaint of antiunion discrimination would be dealt with by the Labor Court, but there have been none in recent years.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Compulsory labor is prohibited by law and does not exist. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred. The Directorate of Labor Inspections (DLI) ensures compliance. Domestics, children, or foreign workers are not required to remain in situations amounting to coerced or bonded labor.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Children 13 to 18 years of age may be employed part time in light work that will not adversely affect their health, development, or schooling. Minimum age rules are observed in practice and enforced by the DLI. Education is compulsory for 9 years. School is mandatory until the 10th grade; most children stay in school at least until the age of 18. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. *Acceptable Conditions of Work.*—Normal working hours are mandated by law and limited to 37½ hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays. There is no specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the government. Average income, not including extensive social benefits, is adequate to provide a worker and family with a decent living.

The 1977 Workers' Protection and Working Environment Act provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with nongovernmental experts. According to the act, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI ensures effective compliance with labor legislation and standards.

f. *Trafficking in Persons.*—No law specifically criminalizes trafficking in persons, but existing labor and immigration statutes may be used in such cases.

Norway is becoming a destination country for trafficked women, according to an OSCE report.

POLAND

Poland is a parliamentary democracy based on a multiparty political system and free and fair elections. Executive power is shared by the Prime Minister, the Council of Ministers, and, to a lesser extent, the President. The Parliament is bicameral (Senate and Sejm). The Government, elected in October 1997, is a two-party coalition composed of center-right Solidarity Electoral Action (AWS)—itself a broad coalition anchored by the Solidarity labor union—and its junior partner, the centrist Freedom Union (UW), also with origins in Solidarity. The judiciary is independent but inefficient.

The internal security forces and the armed forces are subject to effective civilian control by the Government. Since 1996 the civilian Minister of Defense has had clear command and control authority over the military chief of the general staff as well as oversight of military intelligence. This element of civilian control was reinforced further by a recent restructuring of the Ministry of Defense and general staff undertaken as part of the country's entry into NATO. Civilian participation in the Ministry of Defense has been broadened by a competitive hiring process that mandates civilian control of selected positions.

The country has made a successful transition to a free market economy. Gross domestic product (GDP) growth slowed to less than 4 percent during the year. This was in part due to slow growth in the country's export markets, Europe and Russia. Inflation has been reduced steadily, from double-digits in 1997 to 8.6 percent in 1998 and about 9.8 percent in 1999. Unemployment at the end of 1998 was in single digits for the first time since the transition from communism began but increased again to about 13 percent in 1999. Since 1989 most small and medium-sized state-owned enterprises have been privatized, and the current Government has launched privatizations of major state-owned enterprises such as the insurance, telephone, airline, power generation, petroleum refining, steel, coal, and banks. Significant reforms are underway in other sectors as well, including pensions, health, decentralization of government, and education. Still to be addressed are the agriculture sector, a major part of the economy (employing more than 25 percent of the labor force), and lagging development in rural areas.

The Government generally respects the human rights of its citizens; however, problems remain in some areas. Prison conditions are generally poor. A cumbersome legal process, poor administration, and an inadequate budget hamper the court system. Court decisions frequently are not implemented, particularly those of the administrative courts, and simple civil cases can take as long as 2 or 3 years. As a result, public confidence in the judicial system is lacking. Many poorly paid prosecutors and judges have left public service for more lucrative employment. The threat of organized crime has provoked legislative responses that raise questions regarding the right to privacy. The Government maintains a large number of wiretaps without outside review.

There are some marginal restrictions in law and in practice on freedom of speech and of the press. With few exceptions, the new Criminal Code provides protection for journalists' sources. Spousal abuse continues to affect many women. Women continue to experience serious discrimination in the labor market and are subject to various legal inequities as a consequence of paternalistic laws. Child prostitution is a problem. There were incidents of desecrations of graves in Jewish cemeteries, and anti-Semitic graffiti was sprayed on a Jewish community center. There is some societal discrimination and violence against ethnic minorities. The Government has worked constructively toward resolving issues of concern to the Jewish community. Although the right to organize unions and bargain collectively largely was observed, some employers violated worker rights provided for by law, particularly in the growing private sector. Trafficking in women and children in, to, and from the country is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In January 1998 a police officer was charged with the beating death of 13-year-old Przemek Czaja following a basketball game in the Baltic Coast city of Slupsk. The boy's death, caused when local police charged a group of sports fans, touched off 4 nights of riots and caused scores of additional injuries. The officer was sentenced in May to 6 years in prison. Appeals have been filed in the case.

A police officer indicted in connection with the shooting deaths of two unarmed civilians and the wounding of another in Brodno, a suburb of Warsaw, continues to await trial. The officer was suspended from the police force and was charged with excessive use of force. The trial was scheduled to begin in October.

In April 1998, a provincial court in Lublin sentenced the former Lomazy police chief to 15 years in prison in connection with the 1997 shooting death of a 19-year-old man who was held for police questioning. This ruling subsequently was overturned in the appeals court, and a new trial began in September in the local district court.

Trials related to extrajudicial killings during the Communist period continued during the year. A new trial began in a Katowice appeals court in October in the case of 22 riot policemen accused of killing miners during the Communist martial law era after a 1998 appeals court decision annulled their acquittals. On September 28, the decision of a district court was upheld in the case of the appeal of two officers convicted in 1997 of the 1983 Communist era beating death of Grzegorz Przemyk. One officer was sentenced to 2 years in prison for participating in the beating, and the other officer was found not guilty of attempting to destroy the file in the case. In November the Supreme Court ordered a new trial for former Communist leader Wojciech Jaruzelski and nine other officials who allegedly ordered police to shoot workers during the 1970 riots in Gdansk. The Court ruled that the trial that began in the Gdansk provincial court should be started over in the Warsaw district court. No new trial date was set. On December 9, lawyers representing miners submitted a motion requesting the retrial of former Communist Interior Minister Czeslaw Kiszczak for his role in the pacification of the Wujek mine, but a Katowice district court did not rule on the motion 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 Criminal Code prohibits torture, and there were no reported incidents of it; however, on several occasions during the year police used force to disperse protesters who became violent or to break up illegal roadblocks (see Section 2.b.).

In June 1998, a Gdansk court indicted 11 riot policemen for their participation in the October 1997 beating of soccer fans attending a match in the town of Gdynia. The officers' activities, which took place before, during, and after the match, both at the stadium and at a nearby bar, were captured on videotape. A civil case against

the officers, launched by the father of one of the teenage victims, also is pending. Both civil and criminal cases stemming from the incident were pending at year's end.

There was no progress during the year on the appeal filed after an Olsztyn court granted the appeal of two Szczytno police officers in December 1998 who had been found guilty of beating two men detained in September 1996.

In the case of three police officers in Bytom who were arrested and charged with the rape of seven underage detainees in 1994, one officer was sentenced to 4 years and 6 months in prison, while the other two received 3-year sentences.

Prison conditions are still generally poor, according to reports by nongovernmental organizations (NGO's). Many facilities are old, in disrepair, and overcrowded. According to a July 1998 report by the National Penitentiary Authority, the prison system is in urgent need of additional funding. Of 156 detention facilities, 100 require considerable renovation. At the same time, the National Penitentiary Authority's annual budget continued to fall; it has declined by approximately 34 percent since 1991. The Ombudsman for Human Rights complained about the safety of prisoners, noting that inmates are often the victims of violent attacks by other prisoners. Civil litigation against the prison administration in the 1996 case of an 18-year-old mentally retarded boy who was beaten and sodomized by fellow inmates is to be considered by the Bydgoszcz district court in February 2000. The Ombudsman also has suggested that the prison population be reduced, including by decriminalizing certain offenses, pointing out that the ratio of prisoners to rehabilitation officers is very poor.

The Government permits human rights monitors to visit prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government observes this prohibition. Courts rather than prosecutors issue arrest warrants. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pretrial confinement period every 3 months for up to 18 months until the trial date. Bail is available, and most detainees are released on bail pending trial.

The Government does not employ forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. However, the judiciary remains inefficient and lacks resources and public confidence.

The Government is restructuring the court system in order to streamline and accelerate the legal process. At present there is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level, and the Supreme Court handles appeals only about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices.

Judges are nominated by the National Judicial Council and appointed by the President. They are appointed for life and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. In October Constitutional Tribunal decisions became final and binding, after a 2-year interim period following the entry into force of the new Constitution during which a two-thirds majority in the Sejm could overrule its decisions.

The court system is cumbersome, poorly administered, overstaffed, and underfunded. There are numerous inefficiencies, most notably the fact that many districts have more criminal judges than prosecutors. These factors contribute to a lack of public confidence. Many effective judges and prosecutors have left public service for the more lucrative private sector. Court decisions frequently are not implemented. Bailiffs normally ensure the execution of civil verdicts such as damage payments and evictions. However, according to some observers, they are underpaid, subject to intimidation and bribery, and have a mixed record of implementing court decisions. Civil and administrative rulings against public institutions such as hospitals often cannot be enforced due to a lack of funds. Simple civil cases can take as long as 2 to 3 years before resolution, and the pretrial waiting time in criminal cases can be several months. The backlog and the costs of legal action appear to deter many

citizens from using the justice system at all, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters is an incentive for bribery and corruption.

All defendants are presumed innocent until proven guilty. At the end of a trial the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which is the court of first instance. Once formal charges are filed, the defendant is allowed to study the charges and consult with an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants are required to be present during trial and may present evidence and confront witnesses in their own defense. Since 1995 prosecutors have had the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. In 1996 reforms were made that provide for a two-level appeal process in most civil and criminal matters; previously, citizens enjoyed access only to a one-step appeal process.

Trials are normally public. However, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend "public morality." The courts rarely invoke this prerogative.

The new Criminal Code and Code of Criminal Procedure went into effect in September 1998. However, a March 1998 ruling by the European Court of Human Rights already may necessitate changes. The Court unanimously ruled that a provincial appellate court's examination of the verdict in the presence of the prosecutor, but not the defendant or his representative, infringed on the European Convention on Human Rights provisions concerning fair trial.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy of correspondence; however, the Government maintains, without outside review, a large number of wiretaps. There is no legislation that provides for the general right to privacy. However, a 1998 law prohibits the collection of information about a person's ethnic origin, religious convictions, health condition, political views, or membership in religious, political, or trade union organizations. The law allows for certain exceptions, specifically, the gathering of information without a person's permission by courts, hospitals, or organizations if the information pertains to their members. All exceptions are subject to some restrictions. A few continuing practices (such as a requirement to fill out "creed" or "nationality" items in some questionnaires) became illegal, effective April 30. Violators of these provisions are subject to imprisonment for up to 3 years.

In response to the growing threat of organized crime and money laundering, Parliament permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal arms sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior, both political appointees, must authorize these investigative methods. In emergency cases, the police may initiate an investigation that utilizes wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. Estimates on the number of wiretapping devices installed annually at the request of the police vary widely; however, a high-ranking public prosecutor in 1998 put the number at 4,000. After interventions by the human rights Ombudsman, the Prosecutor General curtailed the number of warrants for wiretapping. Levels are now reportedly back at pre-1998 levels, over 4,000.

Parliamentarians and human rights groups expressed concern about the lack of control over this type of surveillance. There is no independent judicial review of surveillance activities, nor is there any control over how the information derived from these investigations is used. A growing number of agencies have access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigative purposes. As is the case under the Criminal Code, police must obtain permission from the Ministers of Justice and Interior before initiating wiretap procedures.

In September 1997, the special Sejm Committee on Security Services announced that the Office of State Protection (UOP) "may have" acted illegally against rightwing politicians in 1993, allegedly carrying out activities such as the forging of documents in order to discredit rightwing parliamentary candidates. After further investigation, the Warsaw prosecutor's office announced in August that it was dis-

continuing the investigation, having concluded that the UOP had not violated the law. In October one of the alleged victims in the case announced that he would appeal the discontinuation of the case.

The law forbids arbitrary forced entry into homes. Search warrants issued by a prosecutor are required in order to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, in which there is no time to consult with the police commander, police may enter a private residence after showing their official identification. There were no reports that police abused search warrant procedures.

A law on "lustration" or vetting went into effect in November 1998. The law is designed to expose former government officials and parliamentarians who collaborated with the Communist-era secret police, and it bans from office for 10 years those caught lying about their past. The law requires officials to provide sworn affidavits concerning their possible cooperation with the secret police; a public interest spokesman then verifies the affidavits and brings suspected cases of misrepresentation before the lustration court, a special three-judge panel created during the year whose decisions may be appealed. The law was judged constitutional by the Constitutional Tribunal, but human rights groups and some opposition politicians have expressed concern that the procedures may be unfair, in view of the likelihood that records were subject to loss or tampering. Critics of the law have charged that lustration has created a "witch-hunt" atmosphere in which leaks of the names of potential investigative targets and protracted investigations have destroyed the principle of the presumption of innocence and violated the "moral rights" of the accused.

In June 1998, the Constitutional Tribunal ruled unconstitutional a 1997 draft law envisioning the possible removal from service of judges proven to have violated judicial independence by issuing unjust verdicts between 1944 and 1989 at the request of the Communist authorities. Disciplinary proceedings against the judges in question were to be initiated by the Minister of Justice, the presidents of the appellate or regional courts, the National Judiciary Council, or individuals who felt wronged by court verdicts. In December 1998, the Sejm addressed the issue that concerned the Constitutional Tribunal and adopted amendments to the law requiring that procedures against accused judges be initiated before December 31, 2002. The law went into effect in January.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

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 respects this right; however, there are some marginal restrictions in law and practice. Nonetheless, the press is vigorous and independent.

The new Criminal Code states that an individual who "publicly insults or humiliates a constitutional institution of the Republic of Poland" is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year. In December the trial began in Elblag in the case of Andrzej Lepper, who was accused of insulting Prime Minister Jerzy Buzek and state officials in January. Prosecutors charge that during a road blockade in Nowy Dwor Gdanski, Lepper called Buzek's cabinet a "government of national betrayal, a government of dilettantes, traitors to Poland." He is said to have called the Prime Minister and another political leader "bandits and criminals." President Aleksander Kwasniewski's case against Zycie for accusing him of contacts with Russian spies was ongoing at year's end. This provision of the Criminal Code also can be used by individual citizens and businesses "to protect their good name." In March 1998, Network Twenty One, which sells Amway products, and seven of its employees used the provision to prevent the broadcast, showing, or copying of a 1-hour documentary critical of the company and its practices. When Public Television Channel One announced plans to broadcast the film, Network Twenty One took the matter to court and won a temporary restraining order. Many leading journalists and media figures criticized the court's decision as a form of censorship. Since that time, the controversy has led to several different cases. Although a regional court in Lodz acquitted the filmmakers of Network Twenty One's charges, several complicating factors are still at issue in ongoing litigation and appeals. The documentary will not be broadcast until all current litigation on the matter is concluded.

In Szczecin the Bryza housing company brought suit against the weekly Nowy Kurier, due to a series of articles involving the firm's business practices. Bryza charged the newspaper with defaming its "good name" and asked the court to pro-

hibit the newspaper from printing critical articles on the company or gathering any information on it. A Szczecin district court ruled in favor of the plaintiffs on both of these points in July. Several other cases decided during the year follow the precedent set in the Bryza case.

The case against talk show host Wojciech Cejrowski, charged with publicly insulting President Kwasniewski, was postponed several times before being decided against the defendant April 1998. It since has been appealed and still was pending decision at year's end. Also pending was a 1995 case against presidential candidate Leszek Bubel for violating a section of the Penal Code that prohibits acts that "publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs." Bubel had claimed publicly that a former head of the presidential Chancellery protected a group of criminals.

In January the European Court of Human Rights ruled in the case in which a Polish court had convicted a journalist of verbally insulting two municipal guards in 1992. The Court ruled that the verdict in the case did not constitute a breach of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

There was no progress during the year in the ongoing investigation into the case of Mikolaj Siwicki for publishing an allegedly hate-mongering book that could damage the nation's interests.

The new Criminal Code also stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In 1995 a provincial court charged presidential candidate Leszek Bubel with violating this article by publishing a pamphlet containing anti-Semitic "humor." A verdict still is pending. In July the Warsaw district court revoked the 1998 decision of prosecutors not to start proceedings against the leftist newspaper Trybuna for insulting Pope John Paul II in one of its articles. In 1997 Tadeusz Rydzyk and All-Polish Youth director Roman Giertych, both acting on behalf of the Council for the Coordination of the Defense of the Dignity of Poland and Poles, originally filed charges against Trybuna for its alleged insults of the Pope. Rydzyk and Giertych were offended particularly by the characterization of the Pope as a "boorish vicar," by the reference to one of his statements as "dirty and mumbling," and by the suggestion that he used his position to make slanderous statements. In April 1998, the Warsaw prosecutor's office decided to drop the case. Subsequently some 1,500 persons appealed to the Warsaw district court to reopen the case.

The State Secrets Act allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups criticize this law, since it restricts the right of free speech of private citizens.

The new Criminal Code regulates the protection of journalistic sources. The code grants news sources absolute protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to divulge sources prior to the new code's enactment also can avoid sanctions by invoking "journalistic privilege."

There is no restriction on the establishment of private newspapers or distribution of journals; private newspapers and magazines flourish. There was no progress in the ongoing privatization of RUCH, a national network of newspaper kiosks.

The National Radio and Television Broadcasting Council (KRRiTV) has broad powers in monitoring and regulating programming on radio and television, allocating broadcasting frequencies and licenses, and apportioning subscription revenues to public media. In order to encourage the KRRiTV's apolitical character, the nine KRRiTV members are obliged legally to suspend any membership in political parties or public associations. However, they are chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising potentially serious questions about the independence of broadcasting oversight from political influence. In the fall, the program director of the Television Information Agency resigned and charged that he was put under political pressure by the Polish Peasant Party (PSL). He claimed that supporters of the PSL on his staff were giving disproportionate coverage to the party's activities.

The broadcasting law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision never has been used as a means of censorship, although the restrictions theoretically could be used as such.

Private television broadcasters operate on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. The first auction in 1994 gave Polsat Corporation and some smaller local and religious stations licenses to broad-

cast, while additional licenses were granted to TVN and Nasza Telewizja in 1997. Private radio flourishes on the local, regional, and national levels alongside public radio.

The Government owns 2 of the 3 most widely viewed television channels and 17 regional stations, as well as 5 national radio networks. PAP, the national wire service, was privatized partially in December 1997, and a five-member supervisory board is preparing the service for full privatization. Although public television remains the major source of news and information, satellite television and private cable services (domestic and foreign) are widely available. Cable services carry the main public channels, Polsat, local and regional stations, and a variety of foreign stations.

The law on radio and television requires public television to provide direct media access to the main state institutions, including the presidency, "to make presentations or explanations of public policy." The President and the Prime Minister have complained occasionally of the other's abuse of the access privilege. Both public and private radio and television provide coverage of all ranges of political opinion.

Books expressing a wide range of political and social viewpoints are widely available, as are foreign periodicals and other publications from abroad.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government respects this right in practice. Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organizers also are required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it. In several instances there were clashes between police and demonstrators during the year. Some of these involved roadblocks set up by farmers to protest the Government's agricultural policies. In some cases when police moved in to disperse the roadblocks, conflict ensued. For example, in August between 50 and 123 policemen and between 5 and 20 civilians were injured in the town of Bartoszyce when police forcibly removed an illegal roadblock set up by protesting farmers. Two of the most controversial confrontations between police and demonstrators occurred during the summer, when in June 50 policemen and 4 trade unionists were injured in clashes in front of the National Defense Ministry building and when in August police used rubber bullets to disperse farmers who were occupying the provincial administrative office building in Olsztyn (see Section 1.c.).

Beginning on January 22, as many as 8,000 farmers raised roadblocks at more than 100 locations around the country to protest the Government's failure to improve the country's agricultural sector. On January 25, violent clashes occurred in Lubliniec, where police used water cannons and tear gas to break up the roadblock but retreated after the farmers shot streams of liquid manure at the officers. In Nowy Dwor Gdanski there were injuries among both police officers and protesting farmers after the police used water cannons to disperse the farmers, and the farmers responded with gasoline bombs. On February 8, after 2 weeks of disruptive farmers' protests, the Government and three agricultural unions reached a preliminary agreement on government steps to address short-term problems in the agricultural sector. However, the small radical farmers' union, Samoobrona, rejected the agreement and called for farmers to continue blocking roads. On February 8 and 9, police officers cleared the fewer than 10 remaining roadblocks. At one roadblock outside of Warsaw, police reportedly used rubber bullets, tear gas, and a water cannon to disperse protesters, injuring two police officers and one farmer.

In May farmers again set up roadblocks at some 90 locations throughout the country to protest agricultural policies. Police officers used force in eight locations to clear the protesters from the roads. Violent clashes occurred in Nowy Dwor Gdanski, where several protesters and police officers were hospitalized. The protests ended after the Government signed an agreement with the farmers on minimum state prices for grain.

In June about 50 policemen, 4 trade unionists from the Lucznik arms factory in Radom, and 1 photographer were injured in clashes in front of the National Defense Ministry building. Some 500 police officers used water cannons and rubber bullets to pacify about 800 demonstrating workers when they started to remove barriers guarding the entrance to the building and began to throw paving stones, heavy screws, and eggs at police. The Nasz Dziennik photographer was hit in the eye with a rubber bullet and as result had to have the eye removed. An investigative commission set up by the Ministry of the Interior later ruled that the force used by police was justified and in accordance with the law. The commission's report found that

4 police officers fired a total of 42 shots with rubber bullets, and it advised that regulations governing the use of rubber bullets be made more precise. There are no provisions that regulate the distance from which police may fire rubber bullets at persons.

In August approximately 400 farmers occupied the provincial administrative office building in Olsztyn. The farmers, who were armed with wooden boards and chains, barricaded the front door of the building, while the regional governor locked himself in his office. The farmers became violent, and conflict erupted when police moved in to remove them by force. Some 13 police officers and 6 farmers were injured during the clash. In initial statements and press reports police insisted that they had used only batons to disperse the protesters, but later the fact emerged that they had fired rubber bullets as well.

On August 19, police used batons, tear gas, a water cannon, and rubber bullets to break up an illegal roadblock by farmers in Bartoszyce. The farmers, who were protesting against the Government's agricultural policies, refused to cooperate with police and became violent when police attempted to disperse them. Police were hit by paving stones thrown from the crowd of bystanders as the officers used batons, a water cannon, and tear gas to disperse the rioting farmers. Police finally used rubber bullets to restore peace. Some 83 police officers and a dozen civilians were injured during the clash. Prosecutors opened an investigation into the incident.

In July 1998, a parade to be held as part of the first gay pride festival was called off after Warsaw municipal authorities denied approval, arguing that it was not a cultural event. Gay rights activists view the denial as discrimination.

The law provides for freedom of association, and the Government generally respects this right in practice. Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration that commits it to abide by the law. However, in practice the procedure is complicated and may be subject to the discretion of the judge in charge.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Citizens enjoy the freedom to practice any faith they choose. Religious groups may organize, select, and train personnel, solicit and receive contributions, publish, and engage in consultations without government interference. There are 14 religious groups in the country whose relationship with the State is governed by specific legislation and 140 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are no government restrictions on establishing and maintaining places of worship. More than 95 percent of Poles are Roman Catholic, but Eastern Orthodox, Greek Catholic, and much smaller Protestant, Jewish, and Muslim congregations meet freely. Although the Constitution provides for the separation of church and state, a crucifix hangs in both the upper and lower houses of Parliament. State-run radio broadcasts Catholic Mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the KRRiTV allowed to do so.

Religious communities may register with the Government, but they are not required to do so and may function freely without registration.

Although the Constitution gives parents the right to bring up their children in compliance with their own religious and philosophical beliefs, religious education classes continue to be taught in the public schools at public expense. While children are supposed to have the choice between religious instruction and ethics, the Ombudsman's office states that in most schools ethics courses are not offered due to financial constraints. Catholic Church representatives are employed to teach religious classes in the schools. Such classes constitute the vast majority of all religious education classes offered, since the population of the country is approximately 95 percent Catholic. However, parents can request religious classes in any of the religions legally registered, including Protestant, Orthodox, and Jewish religious instruction. Such non-Catholic religious instruction exists in practice, although it is not common, and the Ministry of Education pays the instructors. Priests receive salaries from the state budget for teaching religion in public schools.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although the Constitution does not address freedom of movement, the Government does not restrict internal or foreign travel. Citizens who leave the country have no trouble returning. There are no restrictions on emigration.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced repatriation of persons with a valid claim to refugee status. Foreigners recognized as refugees under the 1951 U.N. Convention Relating to the

Status of Refugees and its 1967 Protocol are granted full refugee status and permission to remain permanently. According to UNHCR figures, 2,864 individuals applied for refugee status during the year. Of the total number of applications awaiting decision (including applications carried over from 1998), 46 were approved, 2,404 were rejected, and 762 were otherwise discontinued.

A law on immigration signed by the President in 1997 took effect in December of that year. Human rights organizations generally view the Aliens Act as positive. The law gives all prospective refugees access to a procedure for adjudicating refugee status and establishes an independent board to which prospective refugees can appeal negative status decisions by the Ministry of Internal Affairs. This board has been fully operational since January, and refugee advocates noted that it serves as an impartial and independent adjudicator of appeals. The law does not recognize the concept of first asylum or any other form of temporary protection.

A 1998 Helsinki Foundation Report, drafted after extensive monitoring of eight of the country's major border crossings, provided a generally favorable assessment of the country's treatment of refugees. While critical of the general unavailability of interpreters and informational leaflets printed in different languages, the report points out that border officials were acquainted with the contents of the aliens law, particularly those provisions relating to the application for refugee status, and were well prepared for their duties. During the year, the Government cooperated with the UNHCR and the Polish NGO Caritas in a new program monitoring portions of the country's eastern and western borders from offices in Bialystok and Zgorzelec. The UNHCR reports that the Government has been cooperative as the offices monitor relevant issues such as tracking asylum seekers.

Although some observers had criticized the authorities for using deportation centers in place of refugee centers (when the latter are full), as well as for long delays in the initial review of refugee status applications, the Government no longer uses deportation centers as refugee centers, and the UNHCR received no complaints about the Government's handling of refugee processing.

In April 1998, responsibility for the administration of the program that helps refugees integrate into society was transferred from the Office for Migration and Refugee Affairs at the Ministry of Internal Affairs to the Department of Social Assistance at the Ministry of Labor. The Ministry of Labor, in turn, passed responsibility for the program's implementation to authorities at the local level but initially failed to provide local officials with the information or personnel resources necessary to carry out the task effectively. Advocates for refugees complained that as a result of the transfer, the program ground to a halt in 1998 and left many recently recognized refugees without even the basic necessities of daily life. The Government cooperated with the UNHCR in the latter half of 1998 and in 1999 to become better informed about possible solutions to the situation, by taking part in visitors' programs in which government officials traveled to Western countries to study different integration techniques. The results are inconclusive thus far.

The UNHCR expressed concern during the year over the fate of unaccompanied children seeking asylum in the country. It urged that procedures and practices concerning the appointment and maintenance of supervisors and guardians for minors be improved.

In June 1998, the Warsaw High Administrative Court ruled in favor of a petitioner who was denied refugee status in January of the same year. The Ministry of Internal Affairs had refused the petitioner's application on the grounds that it had not been submitted "upon" crossing the border (as required under Article 37 of the Aliens Act), but 2 days later. The High Court declared this original ruling invalid, noting that the article fails to define a specific time period and that neither the Aliens Act nor the administrative code concerning the documentation of aliens addresses the legal consequences of failing to submit a refugee status application at the border. This ruling turned out to be less far-reaching than advocates for refugees had hoped, and the Ministry of Internal Affairs refused some subsequent cases on the same grounds in 1998 and 1999. However, in September the Court issued an oral decision that observers believe may compel the Ministry to accept a broader definition of the time limits involved in the application process.

The UNHCR noted that the Government handled the Kosovo refugee crisis very effectively. It accepted 1,048 refugees, paid for their support, and housed them primarily in former dormitories and hostels. Although refugee advocates noted a slow start by the Government in mobilizing supplies, it rapidly increased aid and coordinated necessary equipment. Although there is no humanitarian status law that allows refugees to remain in the country in temporary protective status, the UNHCR noted the Government's flexibility in finding alternative visa solutions. Refugees were given 1-year temporary-resident visas entitling them to work legally while in the country.

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

Citizens have the right and ability to change their government peacefully. This right is provided for in the Constitution and exists in practice. Poland is a multiparty democracy in which all citizens 18 years of age and older have the right to vote and to cast secret ballots. A permanent, democratic constitution entered into force in 1997.

Executive power is divided between the President and a government chosen by the Sejm, or lower house of Parliament. There is also an upper house (the Senate). The Constitution provides for parliamentary elections at least every 4 years. The President, elected for 5 years, has the right, in certain very limited cases and after seeking the opinion of the Speakers of the Sejm and the Senate, to shorten the Sejm's term of office. Whenever the Sejm's term of office is shortened, the Senate's term automatically is shortened as well. Parliament may impeach the President.

Women are underrepresented in government and politics. Only 13 percent of parliamentarians are women, while 2 of the 23 cabinet ministers are women. The Speaker of the Senate is the only female parliamentary leader, and none of the leaders of the nation's largest political parties are women.

Two members of the German minority party are Members of Parliament. The electoral law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide in order to qualify for seats in individual districts.

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

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

The Helsinki Foundation, a major NGO, conducts human rights investigations without government interference. Members of the Foundation report that the Government displays a generally positive and helpful attitude towards human rights investigations. However, some domestic NGO's believe that a hostile regulatory climate is developing in parts of the government bureaucracy.

The Office of the Commissioner for Civil Rights Protection (the Ombudsman), established in 1987, is the Government's watchdog for human rights. The Ombudsman's office is an effective, independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registers each reported case and files grievances, where appropriate, with the relevant government office. He has no legislative authority and is sworn to act apolitically. The Government cooperates with his office.

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

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever." The Government attempts to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persist.

Women.—Violence against women continues to be a problem. Women's rights advocates report that unofficial statistics are similar to those of previous years, though there are no recent comprehensive surveys. In 1996 some 9 percent of women polled by the Public Opinion Research Center admitted to being beaten repeatedly by their husbands. Women's organizations assert that the number of women suffering from domestic abuse is probably much higher. They explain that battered women usually refuse to admit abuse even to themselves. Violence against women remains hidden, surrounded by taboos and accompanied by shame and guilt, particularly in small towns and villages. Government and police statistics do not differentiate between male and female victims of violence. Police intervene in cases of domestic violence, and husbands can be convicted for beating their wives. In 1998 the police in cooperation with the State Agency for Solving Alcoholic Problems introduced the so-called "blue card," a record-keeping system designed to better document incidents of spousal abuse. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. However, statistics suggest that a large majority of convictions result in suspended sentences. According to NGO's the courts often treat domestic violence as a minor crime, pronounce lenient verdicts, or dismiss cases. A seminar on combating violence against women organized by the Women's Rights Center in March came to a similar conclusion on the topic. Former victims of violence participating in the seminar complained about investigations that dragged on for several months (although this is a common complaint for nearly all types of court cases), as well as about procedures

that were intimidating, unfamiliar, and unfriendly. According to the latest Women's Rights Center report, there has been significant progress in awareness of the issue of violence against women. It has become more visible in the media, and an increasing number of NGO's are addressing the problem. The U.N. Development Program currently is developing a program in cooperation with the Government's Plenipoteniary for Family Affairs to prevent family violence by opening centers to assist families with violence problems and training people working with victims of family violence. However, the Women's Rights Center criticized the program and argued that it will fail to empower women who are victims of domestic violence.

The law has no provision for restraining orders to protect battered women against further abuse. For example, in divorce cases courts frequently grant a divorce but do not issue a property settlement, sending the woman back to live with the abusive husband. This problem is exacerbated by a lack of alternative housing in the country. Women's advocacy groups also have complained about the small number of state-supported shelters for battered women.

According to police statistics, the frequency of rape is decreasing. During the year, there were 2,029 cases reported, compared with 2,174 in 1998 and 2,250 in 1997. NGO's report that women often are unwilling to report the crime, so these figures are likely deceiving. NGO's estimate that the number of actual rapes is ten times higher than reported statistics suggest.

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

Public discussion of the problem of sexual harassment is relatively new, but women increasingly are talking about the problem and speaking out against it. According to statistics released by the Public Opinion Research Center in June, 28 percent of women admitted to being harassed. While laws specifically addressing sexual harassment do not exist, social awareness is increasing, as are mechanisms with the potential to deal with the problem. For example, the new Criminal Code states that persons who take advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students. However, this provision can be used only when sexual harassment occurs between a supervisor and an individual in a subordinate position. It may not be used when harassment occurs between persons of equal rank.

The Constitution provides for equal rights regardless of sex and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently are paid less for equivalent work, mainly hold lower level positions, are discharged more quickly, and are less likely to be promoted than men. According to the 1998 government statistical bulletin, men have a higher employment rate (59 percent) than women (39 percent), and women have a higher unemployment rate (12 percent) than men (9 percent). Despite a generally higher level of education, women earn on average 30 percent less than men. In August the U.N. Human Rights Commission expressed its concern about the situation and agreed that women are discriminated against in the labor market.

Women are employed in a wide variety of professions and occupations, and a number of women occupy high positions in government and in the private sector. Although clauses in social insurance law had limited child sick care benefits only to women, since June, both men and women have the right to child sick care. The new pension law passed in late 1998 did not change the mandatory earlier retirement for women at age 60 (65 for men). As a result women get about 60 percent of the average pension that men receive. The law does not address equality in hiring practices (there are no legal penalties for discriminatory behavior in this area), and advertisements for jobs frequently indicate a gender preference. Although women have access to a number of previously forbidden careers since the Labor Code was modified in 1996, they still are prevented from working underground or in jobs that require heavy lifting. In March the Parliament failed to approve the proposed law on equal status that would have remedied some of these inequalities. Apart from the Constitution there is no other legal provision for equal rights for women.

The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers note that the broad scope of the office's mandate dilutes its ability to function as an effective advocate of women's issues. Within the Cabinet, in 1997 the government Plenipotentiary for Family Affairs replaced the government Plenipotentiary for Women and the Family, a change that many women's rights groups perceived as an example of discrimination. There are several women's rights NGO's. Among the most notable are the Polish Foundation for Women and Family Planning and the Women's Rights Center. These groups are active advocates of gender equality and advance their goals through research, moni-

toring, and publishing. There are several church-sponsored women's advocacy organizations, but their cooperation with other women's NGO's is limited.

As of January 1, women have the same right as men to transmit citizenship to their foreign-born spouses.

Children.—The Constitution extends some state protection to the family and children and provides for the appointment of an ombudsman for children's rights. However, an ombudsman had not been appointed, since Parliament passed legislation that was awaiting the President's signature at year's end. Education is mandatory until age 18, and public schools are free of charge. The Government sponsors some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools. However, in reality budget shortfalls prevent complete implementation of these programs. There are no procedures in schools to protect children from abuse by teachers; in fact, the teachers' work code provides legal immunity from prosecution for the use of corporal punishment in classrooms.

There were reports in 1998 that prostitution among 12- and 13-year-olds was increasing. Violence against children is illegal. A provision of the new Criminal Code threatens those who physically or psychologically abuse a juvenile with a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased, as it is if the perpetrator is found to have acted with extreme cruelty. Abuse rarely is reported, and convictions for child abuse are even more rare. There is no societal pattern of abuse of children; however, trafficking in children is a problem (see Section 6.f.).

Young men and women are treated unequally in terms of the age of majority. Men and women reach majority at the age of 18 under the Civil Code. However, a young woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. In addition, men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18. Lawmakers' rationale for this difference in treatment is the assumption that it is better that men entering compulsory military service not be encumbered with families.

People with Disabilities.—There were approximately 5 million disabled persons in 1996, and the number is expected to reach 6 million by the year 2010. In 1995 the Central Bureau of Statistics (GUS) reported that 17 percent of disabled persons able to work are unemployed. Advocacy groups claim that the percentage is much higher. GUS data from 1997 indicate that 57 percent of the disabled have no more than an elementary school education, compared with 30 percent of those without disabilities and that only 3.5 percent have a university education, compared with 7.7 percent of the nondisabled.

The Constitution provides for aid to disabled persons "to ensure their subsistence, professional training, and social communication," and a number of laws protect the rights of the disabled. However, implementation falls short of rights set forth in the legislation. Public buildings and transportation generally are not accessible to the disabled. Current law provides only that buildings "should be accessible."

The law creates a state fund for the rehabilitation of the disabled that derives its assets from a tax on employers of over 50 persons, unless 6 percent of the employer's work force are disabled persons. While the fund has adequate resources, its management has encountered difficulties, including frequent changes in leadership. According to press reports, the fund has 4,000 grant applications pending. In addition, the fund by law cannot be used to assist disabled children, that is, persons under 16 years of age.

A 1996 law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Previously, disabled individuals from those groups lost their benefits once they began to work.

Religious Minorities.—Current law places Protestant, Catholic, Orthodox, and Jewish communities on the same legal footing, and the Government attempted to address the problems that minority religious groups face. Among the most important of these problems is the issue of restitution. These laws allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities. The laws included time limits for filing claims; in several cases the deadlines have expired, and no additional claims may be filed. However, restitution commissions (composed of representatives of the government and the religious community) are continuing to adjudicate previously filed claims. The Government established four separate commissions to process the claims of the Catholic, Lutheran, and Orthodox Churches, and the Jewish community. A fifth commission to handle the claims of other religious groups was not yet active at year's end.

The time limit for applications by the Catholic Church expired in December 1991. As of the summer, 2,285 of the 3,038 claims filed by the Church had been concluded, with 1,028 claims settled by agreement between the Church and the party in possession of the property (usually the national or a local government), 834 properties were returned through decision of the Commission on Property Restitution, which rules on disputed claims, 412 claims were rejected, and 11 cases were likely to go to court. Claims by the local Jewish community (whose deadline for filing claims under the 1997 law governing relations with the Government expires in 2002) are being filed slowly. Only some 418 claims had been filed by the end of November, mainly because the country's Jewish community lacks the information and financial resources to prepare claims more quickly. Of the 379 claims for which procedures had begun, the commission on property restitution considered 264; 78 cases were closed; and in 55 cases, ownership was transferred to Jewish communities, who also have received some $650,000 (2.5 million PLN) in compensation for properties that could not be returned. In other cases the commission directed the parties to reach a settlement or submit new documentation. As of early 1999, Lutheran claims for 1,200 properties had resulted in 288 cases being closed with the return of the properties in question (the deadline for filing such claims was July 1996). Some 75 of the 189 properties claimed by the Orthodox Church have been returned (the deadline for filing such claims was August 1993).

However, laws on religious property do not address the private property of any group. In September the Government's council of Ministers approved a draft reprivatization law. The original draft, which would permit former Polish citizens no longer living in the country to file claims for property they or their families owned, was amended by a Sejm committee in December to require claimants to possess current Polish citizenship and to have resided in the country for the past 5 years. These changes effectively would make it impossible to address the claims of many Poles and Jews living abroad. The Government remains opposed to the committee's changes and is to seek approval of the bill's original version when the issue is considered by the full Sejm.

Anti-Semitic feelings persist among certain sectors of the population, occasionally manifesting themselves in acts of vandalism and physical or verbal abuse. However, it is not always clear that vandalism of graves is anti-Semitic in nature. Police note that every year there are numerous incidents of vandalism at Catholic cemeteries. For example, in March vandals desecrated graves at a Catholic cemetery in Bytom, in some cases uprooting stone cross gravestones and transplanting them upside down. Moreover, surveys in recent years show a continuing decline in anti-Semitic sentiment, and avowedly anti-Semitic candidates fare very poorly in elections.

In March 1998, a controversy arose over the "Pope's Cross," located on the grounds of a former Carmelite convent in Oswiecim adjacent to the Auschwitz concentration camp museum. The cross originally adorned the altar at a mass conducted by Pope John Paul II near Birkenau in 1979 and was erected at the site of the Carmelite mission in 1989. After the Plenipotentiary for Relations with the Jewish Diaspora announced in 1998 that the cross would be removed, as disrespectful of the Jewish legacy at Auschwitz, a large group of government and nongovernment leaders went on record as opposing the removal of the cross. Two radical rightwing groups also emerged that opposed the plan. Throughout 1998 and the first half of 1999, radical nationalist anti-Semites erected dozens of additional crosses outside Auschwitz, despite the opposition of the country's bishops. In May the Parliament passed a government-sponsored law to protect the sites of all the former camps in the country. The Government consulted with international Jewish groups in preparing the law, which gave the Government the power it needed to resolve the issue of the "new crosses." After the arrest of the self-proclaimed leader of one of the groups for possessing explosives and making public threats in late May, local authorities removed the crosses—except for the "Pope's Cross"—to a nearby Franciscan monastery, under the supervision of the local Bishop. Later they sealed off the site to prevent the erection of additional crosses. On November 8, the Oswiecim district court ruled in favor of the Ministry of Treasury's suit to regain legal possession of the gravel pit adjacent to the former Auschwitz concentration camp, where the new crosses had been erected.

In January vandals damaged or destroyed 57 gravestones in the Jewish cemetery in Krakow. Vandals had attacked the same cemetery in October 1998. After the first incident police officers increased their patrols of the cemetery. Police promised additional, special protection after the second incident to prevent further attacks. In May the cemetery was vandalized again when unidentified perpetrators overturned 30 gravestones and set fire to the main door of the preburial house. However, the chairman of the local Jewish community called this an act of hooliganism, not anti-Semitism, since in the weeks preceding the attack vandals had smashed gravestones

and otherwise damaged two nearby Catholic cemeteries. The chairman also noted the cooperation of the Krakow city police with the Jewish community to improve the security of the cemetery. In June the cemetery was attacked yet again when vandals painted crosses on several tombstones and on the preburial house. This incident appears to have been motivated by anti-Semitism, since members of the Jewish community received telephone calls linking the graffiti to the recent removal of crosses that were placed near the concentration camp at Auschwitz.

In July unknown vandals sprayed swastikas and anti-Semitic graffiti on the Jewish community headquarters in Bielsko-Biala. According to the mayor of Bielsko-Biala, city police officers were ordered to guard the building after the attack and an investigation was opened into the case; however, there were no results by year's end. Anti-Semitic graffiti was painted on several monuments in the Tarnow Jewish cemetery in August. In September vandals attacked several tombs in the Warsaw Jewish cemetery, leaving satanic graffiti and damaging a number of monuments. The vandalism immediately was criticized by the chief of the Prime Minister's Chancery.

Investigations continued in the May 1998 desecration of graves in the Warsaw Jewish cemetery and the July 1998 vandalism of a plaque commemorating Jewish Holocaust victims in Rzeszow. No charges have been filed to date, and the Rzeszow case is still under investigation. In the case of the 1997 beating of a 14-year-old Jewish boy in Gdansk, the defendant received a 4-year suspended sentence. The attack may have been linked to a sermon by controversial Gdansk priest Henryk Jankowski warning against the presence of Jews in the Government.

The publication of a booklet by an Opole University professor Dariusz Ratajczak denying the Holocaust triggered severe public criticism in March and April. The booklet was self-published (a total of 230 copies), and as soon as it became aware of the publication, the University banned its distribution on school property, criticized its contents, and suspended the professor pending further disciplinary action. Ratajczak's trial began on November 16 on charges of violating the law on the preservation of national memory, which took effect on January 1, for disseminating the Auschwitz lie. On December 7, the Opole district court acquitted him and ruled that the "social threat" posed by the book was low, given the low number of copies, and that in the book's second edition and in Ratajczak's public appearances he criticized the revisionist views of historians who deny the Holocaust.

In April during the 11th March of the Living from Auschwitz to Birkenau to honor victims of the Holocaust, several hundred Poles joined about 2,000 marchers from Israel and other countries. This was the largest participation of Polish citizens in the event to date. Government officials participating in the march included approximately 12 Members of Parliament, the province's governor, and Oswiecim's mayor and city council chairman. Polish school children, Boy Scouts, the Polish-Israeli Friendship Society, and the Jewish Students Association in Poland also participated in the march.

There is some public concern about the growth of groups perceived to be "sects" and the influence of nonmainstream religious groups, especially in the wake of press reports of the deaths of a few young persons in circumstances suggesting cult activity.

National/Racial/Ethnic Minorities.—The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. However, controversy has arisen over the publishing of Lithuanian textbooks. In February 1998, the Lithuanian Ambassador to Poland, Antanas Valionis, complained to Polish Minister of Education Miroslaw Handke that since 1991, 172 editions of textbooks in Polish had been published in Lithuania while only 4 textbooks in Lithuanian had been published in Poland since 1989. Valionis also noted that during 1997 Lithuania, despite significantly more modest financial resources, published 27 different textbooks for the 20,000 Polish pupils in Lithuania, while Poland published only 3 for Lithuanian pupils in Poland. There are approximately 800 ethnic Lithuanian students in 18 schools of various levels ranging from preschool to high school and vocational school. Some controversy continued during the year, but the two Governments continue to negotiate on issues related to minorities in their respective countries.

The Romani community, numbering around 40,000, faced disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles, according to its leaders. The national Government does not discriminate overtly against Roma; however, some local officials have been known to discriminate by not providing services in a timely manner or at all. Some schools have experimented with separate special classes for Romani children, stating that because of economic disadvantage, language barriers, and parental illiteracy, Romani children are behind their non-Romani counterparts when starting school.

There have been occasional incidents of skinheads clashing with Roma. In response to what its leaders felt was a threatening atmosphere around them, a Roma community near Tarnow announced in July that it planned to form "self-defense units" within the community. At year's end, nothing had come of the plan.

In the 1998 case of a 14-year-old Romani girl from Bytom who was injured when a skinhead threw a Molotov cocktail into the apartment where she was sleeping, a suspect is awaiting trial.

The small Ukrainian and Belarusian minorities occasionally experience petty harassment and discrimination. Individuals of African, Asian, or Arab descent continue to experience verbal abuse or other types of aggression, including physical abuse. In March a student of South Asian origin studying in Katowice reported that he had been assaulted by three skinheads who called him "czarny" ("black" in Polish) and "nigger" while pushing him around. In June a student of Korean descent was assaulted from behind and knocked unconscious in Krakow in what he considered to be a racially motivated attack.

In December the Government announced plans for television channels nationwide to broadcast a public service announcement propagating friendly attitudes toward refugees and foreigners in the country. A well known Polish actor was featured in the project.

Section 6. Worker Rights

a. *The Right of Association.*—The law provides that all civilian workers, including military employees, police, and frontier guards have the right to establish and join trade unions of their own choosing. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be appealed to an appeals court. In 1999 the number of officially registered national-level unions remained at about 360, about the same as in 1998. No precise data exist on work force unionization, although the trend continues to be downward. Recent studies suggest that only some 13 percent of workers belong to a union. As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. The Independent Selfgoverning Trade Union (NSZZ) Solidarity has a verified regular dues-paying membership of about 1 million. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80, August '80, and the Christian Trade Union Solidarity (Popieluszko). There are no reliable estimates of their membership.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ), the formerly Communist-aligned confederation established in 1984 as the sole legal alternative to then-outlawed NSZZ Solidarity, and its teachers' affiliate, the Polish Union of Teachers (ZNP). The OPZZ reports that its membership has dropped by more than 50 percent in recent years to about 3 million, but this figure is unverified, and independent sociological surveys suggest that its regular dues-paying membership is considerably less than Solidarity's; a recent survey found that Solidarity represents some 6.3 percent of all Polish workers while the OPZZ represents only 3.6 percent, (one estimate put OPZZ membership at roughly 700,000 to 800,000 workers). According to a study by the State Labor Inspectorate, out of some 27,000 local union organizations, Solidarity had 13,500 organizations, the OPZZ had 11,000 organizations, and Solidarity '80 had 770 organizations.

The law on collective bargaining, in force since 1994, does not require union membership figures to be verified or based on dues-paying members in order for unions to be considered "representative" negotiating partners for management and government. Solidarity protested some unions' (largely OPZZ affiliates) participation in negotiations with the Government on the grounds that their membership figures remain unproved.

Most trade unions were active in politics at all levels. Scores of union activists were parliamentarians, and several became senior government officials. Solidarity plays a key role in political life. With 62 deputies, 27 senators, dozens of ministers, governors, and other senior national and local officials, the union serves as the backbone of the ruling AWS coalition. The OPZZ has 42 deputies, about one-quarter of the opposition Democratic Left Alliance caucus.

Unions have the right to strike except in "essential services." However, labor leaders complain that the 1991 Act on Collective Dispute Resolution prescribes an overly lengthy process before a strike may be called. Employers consider the law too lenient, since it allows only one-quarter of the work force to vote to call a strike. As a result, as many as 60 to 90 percent of strikes called in recent years have been

technically "illegal" because one or both of the sides did not follow each step exactly as required by law. Labor courts act slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, are minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions allege that laws prohibiting retribution against strikers are not enforced consistently, and that fines imposed as punishment are so minimal that they are ineffective sanctions to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike "illegal," workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and the Government) continued to work out ambiguities in dispute resolution mechanisms in the new Labor Code, which went into effect in 1996, and which represented a major overhaul of Communist-era labor regulations.

The number of strikes in the first 6 months of the year remained relatively low and dropped to 25 from 31 in the same time period in 1998. However, significant work stoppages, hunger strikes, and demonstrations, some violent, took place in the mining, health, armaments, and agricultural sectors at various times throughout the year. In February the All-Poland Doctors' Trade Union, which claims to represent 70 percent of health care workers, launched a 10-day nationwide strike to protest low spending on health care. The union promised to continue providing emergency, oncological, pediatric, gynecological, and maternity care during the strike. On November 19, between 20 and 50 percent of teachers participated in a protest against low wages and low funding for education.

Unions have the right to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions, the World Confederation of Labor, and the European Trade Union Confederation.

b. *The Right to Organize and Bargain Collectively.*—The 1991 Law on Trade Unions created a favorable environment for trade union activity. However, labor leaders report that the 1991 law has not prevented employers from discriminating against workers who attempt to organize or join unions, particularly in the growing private sector. The law also has not prevented employer harassment of union members for labor activity.

The 1991 law provides for parties to take disputes first to labor courts, then to the Prosecutor General, and, in the last resort, to the Supreme Court. In a typical year, Solidarity takes several thousand cases to labor courts, several hundred to the Prosecutor General, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers or unions to reimburse employers for activity found to be illegal. However, penalties are minimal and are not an effective deterrent.

Enterprise-level collective bargaining over wages and working conditions increasingly characterized the labor relations system. Labor and management are adapting their relationship to the demands of a market economy, but experience in modern labor relations is still in its early stages. Many enterprises rolled over agreements concluded in earlier years.

Since its formation in early 1994, the Tripartite Commission (unions, employers, Government), currently chaired by Labor Minister Longin Komolowski, has become the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector (health, education, and public employees), while rendering opinions on pension indexation, energy pricing, and other important aspects of social policy. The Commission serves as an important forum in which the social partners air differences, discuss grievances, and often negotiate agreements before problems erupt into social conflict.

Many disputes arose because of the weakness of the employer side of the union/employer/Government triangle. Key state sector employers (largely in heavy industry and the budget sector) still were unable to negotiate independently with organized labor without the extensive involvement of central government ministries to which they are subordinate, although the Government repeatedly stated that its intention was not to be drawn into labor disputes. This weakness complicated and politicized the Government's labor relations system. Claiming that the Government was refusing seriously to discuss labor issues with it, the OPZZ suspended participation in the Commission in April.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Compulsory labor does not exist, except for prisoners convicted of criminal offenses, and otherwise is prohibited by

law, including that performed by children. There were no reports of forced or compulsory labor by children.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law contains strict legal prescriptions about the conditions in which children may work. The Labor Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement rises to 18 years if a particular job might pose a health danger.

Child labor is not a problem, although the State Labor Inspectorate reported that increasing numbers of minors now work, and that many employers violate labor rules in employing them (by underpaying workers, paying them late, etc.). Inspectors found violations on stud farms, in restaurants, and, in some instances, in small private sector businesses and factories.

The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The minimum monthly wage in state-owned enterprises is approximately $162.50 (650 PLN), which constitutes no real increase over the 1998 amount. This amount was insufficient to provide a worker and family with a decent standard of living in view of rising prices. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earn less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors make enforcement of the minimum wage very difficult. As long as unemployment remains high, workers often agree to inferior working conditions and lower pay in order to find or keep their jobs.

The standard legal workweek is 42 hours, which allows 6- or 7-hour days, including at least one 24-hour rest period. The law requires overtime payment for hours in excess of the standard workweek.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive, and trade unions have the right to stop production or extract a worker from dangerous working conditions without jeopardy to the worker's continued employment. However, enforcement is a major problem, because the Labor Inspectorate is unable to monitor the state sector sufficiently, much less the private sector, where a growing percentage of accidents take place. In addition, there is a lack of clarity concerning which government or legislative body has responsibility for enforcing the law.

In the 41,286 work-related accidents reported during the first 6 months of the year, 226 individuals were killed and 589 seriously injured. The Government's Central Statistical Office reported that most accidents were in the public sector, while most serious accidents were in the private sector, where proportionally more deaths also occurred. Solidarity contends that the problem lies not in the law, which establishes safe standards, but in enforcement, because employer sanctions for illegal behavior are minimal. Standards for exposure to chemicals, dust, and noise are exceeded routinely. Workers may remove themselves from dangerous working conditions without losing their jobs, but there were reports that fears of such loss prompted some to stay on the job.

f. *Trafficking in Persons.*—Trafficking in women and children is illegal, and several specific provisions in the Criminal Code address this problem; however, it is a problem. The law prohibits forcing individuals into prostitution, trafficking in human beings, and pimping. Those convicted of trafficking in women or children face a prison term of between 3 and 10 years. The Criminal Code also mandates a sentence of 1 to 10 years for anyone convicted of luring others into prostitution abroad. However, incidents of trafficking to and through the country are on the rise, and the country is a source, destination, and transit point for traffickers. According to police statistics, there were 70 cases (18 of trafficking and 52 of luring women into prostitution abroad) reported in the country in 1998. These cases involved a total of approximately 200 women of Polish and other nationalities. Authorities believe the actual number of Polish women trafficked abroad over the last few years to be much higher. Unofficial estimates suggest that over 20,000 Polish women were trafficked abroad in the last few years. Prosecutions are rare because most victims are hesitant to turn to the authorities due to shame and fear of reprisals. Polish women are trafficked to Western Europe, particularly Germany, Holland, Belgium, Switzerland, and Spain, and to Israel. Poland also is serving more frequently as a destination and transit country for women trafficked from the east, particularly Romania, Bulgaria, and the former Soviet Union. Women from these countries often are forced into prostitution in Poland, then many are sent on to Western Europe

and Israel. There is increasing "1-day" or "weekend" trafficking along the border of Poland with Germany, in which traffickers transport women and children across the border for forced prostitution and then return them to the origin or transit country. According to unofficial estimates, approximately 3,000 foreign women "work" as prostitutes in Poland, in most cases under the control of international criminal networks. The NGO La Strada estimates that 3,500 Bulgarian women were trafficked into Poland and currently are forced to work as prostitutes. In 1998 authorities deported 44 women, most from Bulgaria, who were working as prostitutes. There is a growing market for young girls, as young as 12 or 13 years old, due to the perception that younger prostitutes are less likely to have sexually transmitted diseases. Most victims come from backgrounds that are characterized by poverty and lack of opportunity. Traffickers also range from individuals working for their own profit, to organized crime groups, which treat women as one of a diversified group of commodities. Once the women and girls are brought to Poland, traffickers take away their passports and force them into prostitution to work off their debts and earn back their travel documents. Women and girls who resist are raped, beaten, or confined with minimal food and water until they comply. According to the NGO La Strada, in some cases girls have been killed for resisting traffickers' demands. Recently official awareness of this issue has increased, and while prosecution remains rare, at least one case in recent years resulted in the trafficker receiving the maximum sentence. However, there are no government assistance programs or shelters to assist victims of trafficking. NGO's have reported cases in which trafficked persons upon return to the country were interrogated, fined, or even jailed for using false documents or leaving the country illegally.

In May the Department of Justice organized an international symposium on trafficking in women and children in Legionowo. Government officials and NGO representatives from Poland, Lithuania, and Latvia met to discuss ways to address this growing problem.

PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, a Parliament freely elected by secret ballot in multiparty elections, and an independent judiciary.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are controlled by, and responsive to, the government. They occasionally committed human rights abuses.

Portugal has a market-based economy. An increasing proportion of the labor force is employed in services, while employment in agriculture continues to decline and has been static or declining slightly in the industrial sector.

The Government generally respects the human rights of its citizens; however, there were problems in a few areas. Credible reports continued that security personnel occasionally beat detainees. Prison conditions remained poor. There are lengthy delays in trials. Violence against women, trafficking in women, discrimination against Roma, and child labor are problems.

RESPECT FOR HUMAN RIGHTS

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

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

The inspector general of internal administration (IGAI), the inspecting authority for the police forces, worked with Amnesty International (AI) in its 1998 investigations into the excessive use of force by the police (see Section 1.c.).

An inmate reportedly died as a result of beatings by prison guards in Vale de Judeus in 1997 (see Section 1.c.).

IGAI also cooperated in the ongoing investigation into the death of Olivio Almada, whose body was found in the Tagus River in Lisbon in October 1996. Almada was last seen in the company of three police officers, but the police had no record of his arrest. An investigation resulted in no criminal charges against the officers concerned, but disciplinary proceedings then began because the initial investigation determined that Almada had been detained illegally.

Three PSP officers were convicted on criminal charges related to the death in custody in 1996 of Carlos Areujo. The officers appealed the verdict, and their case remains in the appeals process. Disciplinary proceedings against the officers were deferred until after the criminal case is resolved.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture, inhuman or degrading treatment or punishment, and the use of evidence obtained under torture in criminal proceedings; however, credible but infrequent reports continued that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In late 1997, two police officers were accused of having violated sexually a female drug addict in 1994. The supervisors of the officers initially delayed the opening of an investigation, but in December 1997 the divisional commander in Lisbon suspended the officers and ordered an investigation, which was still in progress at year's end.

In April Amnesty International released a report covering the last 6 months of 1998, which noted the mistreatment of prisoners and excessive use of force by the police. In September 1997, Marcelino Soares, a 17-year-old inmate at the Caxias prison, reportedly was beaten and confined to an isolation cell for 3 days by guards for complaining that prison authorities had blocked visits by his brother. Allegations of beatings also were made against guards at the Vale de Judeus prison; such beatings reportedly caused the death of inmate Francisco Antonio Cordeiro in September 1997. Internal inquiries into these two cases proved inconclusive and were closed; criminal inquiries continue in the Soares case.

AI also brought to the IGAI's attention allegations that a Sintra police officer used electroshock torture. The subsequent investigation found that the allegations against the officer were true, and also established the complicity of two other officers. Separation was recommended for one of the officers by a preliminary inquiry, and deliberations of the police disciplinary council continue. The two other officers were suspended from duty. A criminal inquiry was also in progress.

Justice Ministry investigators confirmed that the gendarmerie, the Republican National Guard (GNR), used excessive force against protestors during a demonstration by farmers in Ourique in September. Allegations of police misconduct during a January street festival in Lisbon were under investigation.

Prison conditions continue to be poor; overcrowding continues to be the main problem. Health issues are also of increasing concern. In February the health services director of the Bureau of Prisons reported that 7 out of every 10 convicts entering the prison system were infected with AIDS, Hepatitis B, or Hepatitis C. An estimated 20 percent of the prison population is infected with AIDS. Tuberculosis is also on the rise. Prison health services, with staffing at 1970's levels in vastly different conditions, have difficulty coping with the current situation.

The Government permits prison visits by human rights monitors. Human rights organizations reported no difficulties in gaining access to inmates at detention facilities.

An independent ombudsman, chosen by the Parliament, investigates complaints of mistreatment by the police and prison authorities. IGAI also conducts internal investigations in cases of alleged mistreatment. Police officers receive training in human rights and proper investigative procedure. However, nongovernmental organizations (NGO's) have been critical of the slow pace of police investigations in general and internal investigations by the police in particular.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution provides protection against arbitrary arrest and detention, and the Government respects its provisions in practice.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge has not been filed within that period, the detainee must be released. In cases of serious crimes, for example, murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers; the state assumes the cost if necessary.

Exile is illegal and is not practiced.

e. *Denial of Fair Public Trial.*—The judiciary is independent and impartial.

The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which deals with administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

The judicial system provides citizens with a fair legal process. However, it has been much criticized for a large backlog of pending trials resulting from inefficient functioning of the courts. Frequent criticism of this backlog nonetheless did not result in any specific actions by the Government during the year. The extremely slow pace of the judicial system was cited as contributing to a violation of Article 6 of the European Convention on Human Rights in a March report from the European Court of Human Rights.

In March 1998, the European Court of Human Rights ordered the Ministry of Justice to pay a fine to the plaintiff in a civil case in the town of Torres Vedras. The case involved a real estate company trying to regain its operating authority after a declaration of insolvency. The case was delayed for 6 years. This was the second time such a judgment was made against the judicial system.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution forbids such practices, and the Government respects these provisions in practice. Violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Freedom of speech and the press is provided for in the Constitution, and the Government respects these rights in practice.

The Government respects academic freedom.

b. *Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the authorities generally respect these provisions.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects these rights in practice. The Roman Catholic Church is the dominant religion; it receives tax exemptions and other privileges unavailable to other denominations. Although the overwhelming majority of citizens are Roman Catholic, other religions practice freely.

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

The law provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. There were no reports of the forced expulsion of persons with a valid claim to refugee status. However, the Government almost never rules that an asylum seeker has a "valid" claim. A new law attempts to distinguish among political, humanitarian, and temporary refugees, but the Government continues to maintain that the majority are economic refugees using Portugal as a gateway to the other European Union "Schengen" Countries. The Government took in approximately 2,000 refugees from Kosovo during the year.

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

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

Women and minorities have full political rights and participate actively in political life. However, they are underrepresented in government and politics. Women head the Ministries of Health and of Environment. There are 46 female members in the 230-member Parliament. Race is rarely an issue in politics; persons of minority origin have achieved prominence in politics. Some persons advocate laws mandating female quotas on political party lists, but such legislation has not been passed. Some political parties nevertheless adopted their own internal quotas.

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

A number of local and international groups operate freely, investigating and publishing their findings on human rights cases. Government officials generally are cooperative, although most groups complain of slow investigations or remedial actions.

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

The Constitution forbids discrimination based on ancestry, sex, language, origin, religion, political or ideological convictions, education, economic situation, or social condition, and the Government enforces these prohibitions.

Women.—Domestic and other violence against women is reportedly a common but hidden problem for which few seek legal recourse. In 1996 (latest statistics available), charges were filed in 136 rape cases and 2,329 cases of other violence against women. The law provides for criminal penalties in cases of violence by a spouse, and the judicial system shows no apparent reluctance to prosecute suspects accused of abusing women. Changes to the Penal Code in 1998 granted prosecutors the ability to file charges independent of the victim when prosecution is judged "in the victim's interest." Traditional societal attitudes discourage many battered women from recourse to the judicial system.

A toll-free hot line for victims of domestic violence has operated since November 1998, from 9 a.m. to midnight 7 days a week. In its first 6 months of operation, approximately 64 percent of the calls related to acts of physical violence, while 30 percent related to psychological concerns. The majority of callers (66 percent) were themselves victims. Women between the ages of 25 and 35 accounted for about 29 percent of the calls, while about 31 percent were women between the ages of 35 and 45. Although calls came from all over the country, the vast majority came from the large urban centers of Lisbon and Porto.

Parliament addressed the issue of domestic violence several times during the year. A system of "safe houses" for victims of domestic violence was created. Educational campaigns for the public and specialized training for the police were strengthened. The creation of domestic violence units in the police, and of a new domestic violence category in the Attorney General's report on crime, were mandated. Perpetrators of domestic violence now can be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to the perpetrators of domestic violence and to assist victims with the professional development necessary to live independent lives.

Trafficking in women for the purposes of forced prostitution continues to be problem (see Section 6.f.). Prostitution is linked closely to other types of organized crime, especially international narcotics trafficking. Specific legislation prohibits forced prostitution and trafficking in human beings. The Nest, an NGO, operates economic and social recovery programs for prostitutes.

The Civil Code provides for full legal equality for women. Sexual harassment, a problem that continues to gain public attention, is covered in the Penal Code as a sex crime, but only if perpetrated by a superior and in the workplace. As in the case of violence, socially ingrained attitudes discourage many women from taking advantage of the legal protection available.

The Commission on Equality in the Workplace and in Employment, made up of representatives of the government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment but receives few. It does review numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law.

Women increasingly are represented in university student bodies, business, science, and the professions. A gap remains between male and female salaries. Women earn the majority of university degrees.

Children.—A 9-year period of education is compulsory. A study by the European Commission indicated that only 50 percent of children receive preschool education. To counter this problem, the Ministry of Education instituted a pilot project on early childhood education in the Algarve region in 1997. This program proved successful. More teachers were hired, new schools were constructed in remote areas, and the law now calls for attendance at preschool before entry into the first grade. However, there is a serious gap between spaces available in preschools and the number of children seeking admission, especially in the case of private institutions. During the 1998–99 school year 207,109 children attended preschool. It is estimated that that number increased to 220,000 for the current (1999–2000) school year).

The National Children's Rights Commission is charged with implementing the principles of the International Convention on the Rights of the Child. The Commission operates under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Solidarity, as well as from leading NGO's. The quasi-independent Institute for the Support of Children organized a network of 48 NGO's dedicated to helping at-risk youth. The University of Minho's Institute for the Study of

Children is a research center dedicated solely to the study of children's issues. The Institute for the Support of Children organizes public awareness programs, serves as an information clearinghouse for NGO's working on childrens' issues, and promotes legislation protecting children's rights. It provides telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect. It also operates services assisting the at-risk youth known as "criancas da rua"—"street kids."

There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

Following the uncovering of a pedophile ring in Madeira in 1997, the Parliament passed a law in 1998 that enlarged the definition of pedophilia to include the consumers of child pornography as well as the producers.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or the provision of other state services. Their access to public facilities is mandated by legislation, which generally is complied with. However, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities.—The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies. There is also a resident Romani population of approximately 40,000 persons, who are the subject of some discrimination.

In March the U.N. Committee on the Elimination of Racial Discrimination conducted a periodic review of the Government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In its report, the Committee expressed concern about racial discrimination and xenophobia in the country, including violence against blacks, Roma, immigrants, and foreigners—frequently perpetrated by skinheads. While acknowledging efforts by the Government to combat such acts, the Committee urged that the law be extended to prohibit all racist groups.

The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. In August the Parliament approved a new set of antiracism laws, reiterating antidiscrimination sections in the Constitution and the Penal Code. The new laws prohibit and penalize racial discrimination in housing, business, and health services. They also provided for the creation of a new Commission for Equality and Against Racial Discrimination to work alongside the high commissioner for immigration and ethnic minorities.

Section 6. Worker Rights

a. *The Right of Association.*—Workers in both the private and public sectors have the right to associate freely and to establish committees in the workplace to defend their interests. The Constitution provides for the right to establish unions by profession or industry. Trade union associations have the right to participate in the preparation of labor legislation. Strikes are permitted by the Constitution for any reason, including political causes; they are common and generally are resolved through direct negotiations. The authorities respect all provisions of the law on labor's rights.

Two principal labor federations exist. No restrictions limit the formation of additional labor federations. Unions function without hindrance by the Government and are associated closely with political parties.

There are no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. *The Right to Organize and Bargain Collectively.*—Unions are free to organize without interference by the Government or by employers. Collective bargaining is provided for in the Constitution and is practiced extensively in the public and private sectors.

Collective bargaining disputes usually are resolved through negotiation. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days, but the law was invoked in one transport strike in 1998. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement is applied infrequently. When it is applied, minimum levels of service are established by agreement between the Government and the striking unions, although unions have complained, including to the International Labor Organization (ILO), that the minimum levels were set too high. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. The General Directorate of Labor promptly examines complaints.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor, including by children, is prohibited and generally does not occur. Specific legislation prohibits trafficking in persons; however, trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age is 16 years. There are instances of child labor, but the overall incidence is small and is concentrated geographically and sectorally. The greatest problems are reported in Braga, Porto, and Aveiro and tend to occur in the clothing, footwear, construction, and hotel industries. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

The Government has worked actively to eliminate child labor and created a multiagency body, the National Commission to Combat Child Labor (CNCTI) in 1996 to coordinate those efforts. In 1997 the CNTCI expanded its efforts by enhancing cooperation with NGO's, establishing regional commissions and local intervention teams, and expanding its public education campaign. The Ministry of Education also has increased its budget allocated to alternative education plans for students in danger of dropping out of school.

The Commission is joined in its efforts by two NGO's, the National Confederation of Action on Child Labor (CNASTI) and the Institute of Support for Children (IAC). With the assistance of regional commissions, the CNCTI works through local intervention teams on public awareness measures to prevent child labor and on a case-by-case basis with school dropouts and with minors found to be working.

In a first-of-its-kind study, conducted in conjunction with the ILO in October 1998, the Government polled 26,500 families, with separate questionnaires for parents and children, to try to measure the incidence of child labor. According to this survey, as many as 20,000 to 40,000 children under the age of 16 may be engaged in some form of labor. The majority of these cases consist of daily chores on family farms, which do not prevent school attendance. However, the study estimates that as many as 11,000 children may be working for nonfamily employers, a figure that represents 0.2 percent of the labor force. More studies are planned.

The key enforcement mechanisms of labor laws falls to labor inspectors, and the number of cases has fallen significantly over the past several years as a result of these government efforts and a move towards a higher technology industrial base (with a corresponding need for higher skilled labor). The number of child labor cases detected by the inspectors fell from 341 to 167 over the last 4 years. Additional reductions may require fundamental social changes. Government officials are concerned that child labor continues in the home, where inspections are prohibited without a search warrant. Also, child labor among migrant agricultural workers appears to be facilitated by parents who are paid for every box of produce picked. These conditions make it difficult to root out child labor through increased enforcement alone; the authorities believe that public education measures also are needed over the longer term.

e. *Acceptable Conditions of Work.*—Minimum wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 years and over. For 1999 the monthly minimum wage was approximately $326 (61,300 escudos). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage affords a basic standard of living for a worker and family. According to the latest figures available (October 1997), the average monthly wage was $777 (136,300 escudos). With respect to income distribution, average wages ranged from a high of $2,316 (405,300 escudos) per month for managers to $587 (102,700 escudos) per month for manual laborers. Only 9.2 percent of the work force received the minimum wage.

Employees generally receive 14 months' pay for 11 months' work: the extra 3 months' pay are for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday is 8 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continue to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with European Union standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. A relatively large proportion of acci-

dents occurs in the construction industry. Poor environmental controls in textile production also cause considerable concern.

While the ability of workers to remove themselves from situations where these hazards exist is limited, it is difficult to fire workers for any reason. Workers injured on the job rarely initiate lawsuits.

f. *Trafficking in Persons.*—Specific legislation prohibits trafficking in persons. Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment.

However, trafficking in women for the purpose of forced prostitution continues to be a problem. International trafficking rings take Portuguese women abroad, often to Spain, and bring foreign women to Portugal. The Portuguese women involved tend to be from poorer areas and are often, but not always, drug users. Women from Brazil and from Lusophone Africa also are involved, as are women from non-Lusophone countries such as Senegal.

Russian Mafia organizations are present in the country in increasing numbers, largely as the networks behind the trafficking in Eastern European women. One such network reprotedly sells Moldovan and Ukrainian women for the equivalent of around $4,000 each. The authorities broke up one such ring during the year that was headed by a nuclear scientist from the former Soviet Union.

ROMANIA

Romania is a Constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Radu Vasile is the Head of Government, and President Emil Constantinescu, who was elected directly, is the Head of State. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary, although there were signs of increasing judicial independence during the year.

Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organizations are somewhat vague, and their security responsibilities overlap. All security and intelligence organizations operate under the authority of civilian leadership. The Ministry of Internal Affairs supervises the national police, which have primary responsibility for security, and the border guards. Some police officers committed serious human rights abuses.

Romania is a middle-income developing country in transition from a centrally planned economy to a market economy. The private sector accounted for about 60 percent of gross domestic product (GDP) and employed 56.6 percent of the work force, primarily in agriculture and services. Although privatization is under way government ownership remains dominant in heavy industry. From 1997–98, 2,571 companies were privatized; 3,626 were included on the privatization list for 1999, and about half of those were privatized by year's end. The economy grew slowly before a contraction of 6.6 percent in 1997. GDP per capita in 1998 was about $1,682. GDP for the first half of 1999 was down 3 percent compared with the same period in 1998. Exports rose 4.2 percent from 1996 to 1997 and dropped in 1998 1.6 percent from 1997. Inflation decreased from 151.4 percent in 1997 to 40.6 percent in 1998. The inflation rate for 1999 was approximately 56 percent. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, several serious problems remained. Some police officers continued to beat detainees; and in several cases such beatings reportedly led to deaths. The Government investigated police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses are generally lengthy and inconclusive and rarely result in prosecution or punishment. While some progress has been made in reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the Criminal Code, but no such changes were made by year's end. The Government improved the poor living conditions in prisons and implemented vocational training programs; however, overcrowding remains a serious problem. The judiciary remains subject to executive branch influence, although there were signs of increasing influence during the year. Violence and discrimination against women remained serious problems. There is a large number of impoverished and apparently homeless children in large cities. Societal harassment of religious minorities still remains a problem and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from

the authorities. Discrimination against Roma continued. Trafficking in women and girls for the purpose of forced prostitution was a problem.

The Ombudsman's Office, which was established in 1997, consolidated its activities and is now fully operational with a staff of 70 persons. The Office registered 4,372 complaints by year's end, up from 2,985 in 1998 and 1,168 in 1997. The Ombudsman's role is not fully clear to the public yet. Many complaints were rejected because they related to problems with the judiciary and not the administration.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—APADOR–CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, reported several cases of police brutality and beatings, including several leading to death.

On September 24, Aurel Uluiteanu of Barcanesti, County Iialomita, was taken to the Urziceni court because several villagers had accused him of disturbing the public order. Uluiteanu succeeded in escaping from the court and returned home. The following morning the deputy chief of police went to Uluiteanu's house, found him hiding, and led him to the police station. In the afternoon, Uluiteanu's parents were informed that their son had died at the police station. Uluiteanus's father later found out that the deputy police chief and several young men in the village had "turned the police station into a pub" on September 25 and tortured and beaten his son to death. The case is under investigation; meanwhile, a policeman and a civilian involved in the case were arrested.

On September 9, a police officer took Cristian-Venus Dumitrescu and his sister, Gianina, from their home in Craiova and drove to the Dolj county police inspectorate. The police officer did not show them any document to justify the arrest. At the station, the police told Dumitrescu that he was charged with having robbed a Korean citizen in complicity with three other young men. Dumitrescu's sister said that she saw her brother several hours after he was interrogated and that he was very red in the face. He told his sister that he was threatened with 15 years in jail and that if he could no longer take what was happening to him, he would commit suicide. Later in the day, he complained to his girlfriend that he was kicked in the liver; his face also was swollen. En route to the police lockup, followed by his alleged accomplices, Dumitrescu threw himself out of a third floor window onto the paved alley below, resulting in his death. The police did nothing to prevent this event. The case is under investigation.

On July 23, the police in Bucharest shot and killed Sevastian Apostol, a Rom who was trying to flee a bar where he had a serious conflict with the owner and other clients. While in the getaway taxi, police shot at the car and killed Apostol, shooting him in the back. The case is under investigation.

In its 1999 annual report, Amnesty International cited numerous reports of torture and mistreatment. In one case, a man died of suspicious circumstances, apparently as a result of mistreatment. In August, Elinoiu Toader was assaulted by a police officer in front of a store in Nereju, Vrancea county. The officer then reportedly instructed the storeowner to take Toader behind the building and to beat him all over his body. The following morning, Toader died in his sister's house. In the course of the investigation, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were similarly threatened. An autopsy stated that Toader had suffered three fractured ribs.

A Bucharest newspaper reported that a police officer shot and killed an unarmed Rom on October 27, during a police raid on a group of cigarette smugglers.

In 1996 Gabried Carabuelea died after 3 days in police custody, during which he reportedly was beaten severely. After initially ruling that there were no grounds for an indictment of the police, the military prosecutor's office reopened its investigation; however, in March the prosecutor's office dropped the case based on allegedly insufficient evidence.

According to the Government, the chief of police in Valcele was indicted in June for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor's office appealed the verdict in May; the superior court's decision was pending at year's end. The military prosecutor's office during the year reopened the investigation into the case of Istvan Kiss, an ethnic Hungarian allegedly beaten to death by police in 1995. In June the prosecutor's office found the death to be accidental and did not file charges.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials still are dragging on, years later.

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 inhuman or degrading punishment or treatment, and these prohibitions generally were respected in practice; however, there were credible reports that police beat detainees and improperly used firearms.

APADOR–CH, an NGO affiliated with the International Helsinki Federation, reported several cases of police brutality and beatings, including several leading to death (see Section 1.a.).

In its 1999 annual report, Amnesty International cited numerous reports of torture and mistreatment, including one case that resulted in death. Also, in seeking to cover up the death of Elinoiu Toader, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were similarly threatened (see Section 1.a.).

Roma NGO's claimed that police used excessive force against them. In one case such force reportedly resulted in death (see Section 1.a.).

On April 30, Constantin Buzatu of Craiova reportedly was assaulted by a number of individuals, all but one of whom were plainclothes policemen. Buzatu's efforts to lodge a complaint were rejected, and he was told that he could bring a civil complaint against the one assailant who was not a police officer.

In April 1998, a policeman with whom he had refused to share a pool game beat Nicolae Iloaie of Tandareni. Iloaiei was hospitalized for 90 days. When he asked for a certified medical report for the forensic laboratory, the physician in charge refused to issue it. The case is under investigation. In August 1998, Fitzeg Sebastian, a student at the Catholic Theological College in Bucharest and his older friend were arrested as burglars while inquiring in an unfamiliar neighborhood about a distant relative. The boys were not informed of their rights nor allowed to explain their presence in the neighborhood. They were taken to the police precinct where they were beaten and forced to give a statement. The case was closed after the police reached a financial settlement with the family. In May 1998, Marian Ciulei from Brasov was shot in the leg by a policeman while he was running from a confrontation in a discotheque. The case is under investigation.

In April 1998, the Government responded to the 1997 report of the U.N. Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Special Rapporteur received allegations of torture and mistreatment of detainees by the police. The Government in its response promised in 1998 to make modifications to the Criminal Code and to detention regulations, but no such modifications had been made by year's end.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive, and that some military prosecutors sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1998 and 1997.

The prison system is improving slowly as efforts increase to bring prisons in line with minimum international standards. The 1999 prison budget increased 24 percent over 1998; however, a supplementary $160 (3 million lei) request in the 1999 budget for prison administration was rejected by Parliament. There are now 33 detention institutions. Nevertheless, overcrowding remained a serious problem. As of June, in the units subordinated to the Directorate General of Prisons Administration there were 53,125 persons, almost 20,000 over the legal capacity of 33,272 persons. A modern penitentiary opened in January in Bucuresti-Rahova that houses 1,400 inmates. Each eight-person cell is equipped with a shower, toilet, and two basins. Medical facilities were modernized in some prisons, and inmates were allowed to exercise outside their cells.

In May a law providing for alternative sentences for minor offenses went into effect. The law provides for community service instead of a prison sentence and is aimed at reducing the prison population.

Human rights organizations continued to report the abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. However, prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely, and inmates had the right to telephone calls. Prison authorities introduced some vocational training programs to assist inmates' future integration into society. A probation pilot program financed by the Open Society Foundation opened in Iasi at the end of 1998 to provide such assistance to minors and other young first offenders. Two additional probation centers began operations during the year in Gaesti and Tichilesti.

The Government permitted visits by human rights monitors, and several NGO's made such visits.

d. *Arbitrary Arrest, Detention, or Exile.*—The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respect this provision in practice. Detention can be extended past the 30-day limit only by a court ruling. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16, they have consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

According to APADOR–CH, the Interior Ministry issued new instructions on detention in August that would, among other things, provide for the confidentiality of discussions between detainees and their lawyers.

There were no political detainees during the year.

Exile was not used as a means of punishment.

e. *Denial of Fair Public Trial.*—Under the terms of a 1992 law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch, but there were increasing signs of judicial independence during the year. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of members he does not want by simply keeping them off the agenda.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The 1992 law that reorganized the judicial system divided the Prosecutor General's office into 16 local offices (paralleling the appeals court structure) and established an office at the Supreme Court; the law also curtailed certain powers of the Prosecutor General, including the right to overturn court decisions and bypass appeals courts by going directly to the Supreme Court.

The law provides for fair public trial and the presumption of innocence. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice, the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

In a notable case in January, a criminal appeals court ruled against miners' union leader Miron Cozma and overturned the Government's implicit deal to protect Cozma from prosecution for his role in a miner's strike.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—During the year there were no reported instances of interference with individual citizens' right to privacy.

The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security "imminent."

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service (SRI) is prohibited legally from en-

gaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime.

Legislation that would permit citizens access to secret police files kept by the Communist government was passed by the lower chamber of Parliament in early October. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to access his file. As subsequently resolved by the mediation committee, Securitate files (the Communist-era secret police) are to remain in custody of the intelligence service (SRI), which is to decide whether to grant access to files based upon the justification given by the requester. The bill was passed by the Senate and signed into law by President Constantinescu in the fall.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country" and "offense to authority;" the Government respected the constitutional provisions in practice.

An amended Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former, Communist-era code. However, the new version is criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from penalties for libel and calumny, Parliament has yet to amend the relevant sections of the Penal Code. Consequently, Articles 205 and 206 concerning libel and calumny and Articles 237 and 238 concerning offense to authority and defamation of character are still in force.

Many libel suits continued to be brought against journalists under these provisions. In January a Bucharest court suspended a jail sentence passed on two journalists from the independent daily Monitorul de Iasi by a lower court in Iasi in 1998. However, the Bucharest court upheld the hefty "moral damages" awarded to the plaintiffs, to be paid by the Monitorul group. The General Prosecutor appealed the sentence with the Supreme Court. In a separate case in late September, the European Court of Human Rights made a groundbreaking ruling in favor of a journalist convicted to a suspended jail sentence for calumny in 1994. The European Human Rights Court found that the decisions of the Romanian court violated Article 10 of the Human Rights Convention concerning freedom of speech. Domestic media supported the ruling and defined it as precedent-setting for the many libel and calumny suits.

The Government failed to rescind the prohibitions on "defamation of the nation" and "defamation of public officials" used to harass and punish journalists who report governmental or bureaucratic corruption. Several journalists were arrested and tried during the year for reporting on corruption by local government officials. Journalists who were investigating corruption cases were also targets of violence. Marian Tudor, a journalist for the Journalul de Constanta, was attacked and thrown from a moving train on September 23 as he was traveling to deliver to the printer the draft of an article that described an illicit business deal. The assailants took the draft.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 20 percent of the rural and 80 percent of the urban market. There are 72 private television stations and 162 private radio stations. Approximately 2.8 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. While Romanian State Television (RTV) and Radio Romania remained at year's end the only national broadcasters capable of reaching the bulk of the rural population, independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions. In mid-July the National Audiovisual Council (CAN) awarded a French media group a license for a private radio nationwide broadcasting operation. If established, such an operation would break Radio Romania's monopoly as the only national radio station.

The 1994 law establishing a Parliament-appointed Board of Directors for RTV was implemented in June 1995.

Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, limit their circulation.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed, but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering.

The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. Unauthorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties gain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may be granted legal status with proof of only 20 founding members and over 200 supporting members.

c. *Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several denominations continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing. The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. Members of religious communities not officially recognized by the Government during the year again accused government officials of harassment—allegations denied by the Government. Proselytizing that involves denigrating recognized churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 14 religions; only the clergy of these recognized religions are eligible to receive state financial support. The number of adherents each religion had in the last census determines the proportion of the budget each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or simply assigned an affiliation in some cases even without inquiring about religious affiliation.

The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adhere, predominates. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, smaller religious groups have criticized the State Secretariat for Religious Affairs for its obstructionist tactics in favor of the Romanian Orthodox Church. Members of some religious minorities complain that the revised law on cults, if enacted, would not recognize their status as religious groups.

The Government requires religious groups to register and establishes the criteria for registration. In order to be recognized as a religion, groups must register with the State Secretariat for Religious Affairs and present a list with the names, age, identity card numbers, addresses, and signatures of their followers. The State Secretary of Religions and the President must approve all registration applications. Representatives of religious groups that sought to register after 1990 allege that the registration process is arbitrary, changeable, and unduly influenced by the Romanian Orthodox Church. Applicants assert that they do not receive clear instructions concerning the requirements and allege that often the time frame in which a decision on their application has to be made is not respected by the State Secretary of Religions.

The Government registers religious groups that it does not recognize as "independent religions" either as religious and charitable foundations or as cultural associations.

In July an Orthodox priest in Bihor obtained from the superior court in Bihor an order to stop the construction of a Baptist church, claiming that its proximity to an Orthodox cemetery was "hurting the faithful's traditional Orthodox feelings."

The Catholic Church of the Byzantine Rite, or Greek Catholic Church, which suffered discrimination in years past from the Romanian Orthodox Church and the State Secretariat for Religious Affairs, made progress in 1998 in recovering some of its former properties. Little progress was made with regard to the restitution of church properties during 1999. The Greek Catholic Church was disbanded by the Communists in 1948 and forced to merge with the Romanian Orthodox Church. The latter received most of its properties, including over 2,000 churches and other facili-

ties. Since 1990 Greek Catholics have recovered a number of their churches. However, in Bixad, Satu Mare county, despite a government decision of 1992, the Greek Catholic Church in August could not take possession of the buildings which belonged to a Greek Catholic monastery because of opposition by local residents led by Orthodox priests. A similar incident took place in July in Sercaia, Brasov county, when Greek Catholics were driven out of a Greek Catholic church, usually kept locked by the Orthodox Church, by Orthodox priests aided by local police. In Ardud, Satu Mare county, where the Orthodox priest and a large number of believers had switched to the Greek Catholic Church, Orthodox officials did not allow Greek Catholics to enter the church despite a protocol providing for joint use of the facility and two court rulings upholding their right to use the church. The congregation was holding services in the open air from August until year's end.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. Citizens who wish to change their place of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice, citizens freely exercise these rights.

The 1996 refugee law implemented the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This legislation established a refugee office in the Interior Ministry to receive, process, and house asylum seekers. 807 applications for asylum were received in the first 6 months of the year.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. In mid-1998, the Interior ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal, usually not enough to cover basic needs. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regard the country as a springboard to the West.

There were no reports during the year 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 through periodic and free elections held on the basis of universal suffrage, and citizens exercise this right in practice.

In the wake of the 1996 democratic general elections, the Government coalition formed by the Romanian Democratic Convention (CDR) and the Union of Social Democrats (USD) joined forces with the Hungarian Democratic Union of Romania (UDMR). These parties, along with a number of smaller constituent parties, make up the governing coalition.

No legal restrictions hinder the participation of women in government or politics, but societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Women hold only 5.9 percent of the seats in Parliament. There is one female cabinet member.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. They have not increased their Parliamentary representation beyond the one seat provided through the Constitution and electoral legislation.

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

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR–CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO.

Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998; by the end of August 1999, it had received over 2,000 complaints. The office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with the Government.

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

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background. However, in practice the Government does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of extralegal discrimination. Homosexuals reportedly have been the victims of police brutality.

Women.—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a September report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon as their subordinate position exposes them to greater risk. According to UNICEF, the country has an average of 108 sexual incidents per 1,000 women and 41 assaults per 1,000 women. Under a government pilot project begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only four persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. Prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prosecution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

Trafficking in women for the purpose of forced prostitution continues to be a growing problem. Several domestic prostitution rings are active (see Section 6.f.).

The Constitution grants women and men equal rights. However, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled professions, and addresses the problems of single mothers, especially in rural areas. In 1998 this department organized with the U.N. Development Program a series of conferences on "promoting gender politics." An ombudsman was created within the department for child, woman and family protection in 1998, but the total budget for women's programs for the year was less than $75,000 (1.4 billion lei).

Children.—The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas. However, living conditions in all child care institutions very seriously deteriorated during the year for financial and administrative reasons. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to offi-

cial statistics, there were 33,000 orphans in state institutions, and the number of institutionalized children reportedly has increased by 20 percent since 1989.

There was no perceptible societal pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention center, some minors actually requested prison sentences.

The sexual exploitation of children continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.). Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly. Instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

People With Disabilities.—Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Many disabled persons cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for the disabled to buildings and public transportation. According to official statistics, there were 98,000 disabled children living in state institutions.

Religious Minorities.—Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups.

In October a court sentence, Mihai Bogdan Antonescu, editor of the weekly Atac la persoana, to a 2-year suspended sentence for publishing articles that were intended to spread intolerance toward Jews.

On September 13, Romanian Television reported that unknown perpetrators recently desecrated two tombstones in the Galati Jewish cemetery. In early November, vandals destroyed more than 50 tombstones in 2 Jewish cemeteries in Transylvania.

National/Racial/Ethnic Minorities.—The Department for the Protection of National Minorities has the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to establish contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party holds 36 seats in the Parliament. Many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania.

The Romani population, officially estimated by the Government at approximately 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. No cases of ethnically-motivated violence against Roma people were reported. However, Romani groups complain of routine police brutality, prejudice, and racial harassment at the local level. Although those who were involved in 1993 incidents in Hadareni, in which three Romani persons died in a house burning, were sentenced to terms in prison in 1998, the court rulings have not become final as yet because of appeals. The Romanian daily Ziua reported on September 7 that the Office for the Fund for Social Security and Health in Iasi banned from the Iasi county hospital Roma who cannot afford to pay for their medical treatment and cannot prove that they have medical insurance provided by the State. An NGO, Liga Pro Europa, sent a letter expressing concern to the Department for the Protection of National Minorities on September 2. In response, the Department opened an investigation on October 7 and requested the Ministry of Health to do the same. As of November 29, the ban on Roma had not been withdrawn. Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of

the Roma minority. Meanwhile, the Romani population continues to be subject to societal discrimination.

Section 6. Worker Rights

a. *The Right of Association.*—All workers except public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest and to other public employees. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nationwide trade union confederations and smaller independent trade unions.

Union members complain that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and they are frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, and the financial liability of strike organizers. Although the 1991 legislation supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Unions representing a wide range of economic sectors carried out strikes during the year, often protesting wage levels that did not keep pace with the rate of inflation. While most of these strikes ended with government promises to improve wages and working conditions, union leaders complain that these agreements frequently are not implemented. In January striking coal miners from the Jiu Valley launched a march on Bucharest to protest mine closures. Due to previous violent miners' demonstrations the Government denied them permission to march to Bucharest. Defying the government decision, the miners continued on and attacked law enforcement officials. However, the Government succeeded in restoring order, and the perpetrators of the violence were arrested and tried.

The Government has not followed up on a 1995 ILO recommendation to the previous Government to rescind all measures taken against suspended union leaders involved in a 1993 strike by railway locomotive engineers. Only 2 of the 10 engineers fired in 1993 were offered their old jobs back; most of the others were offered retirement pensions. The union leaders, who defied a supreme court ruling to suspend the strike for 170 days, were fired by the national railway company when the strike ended.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government has honored in practice. Unions are free to engage in political activity and have done so.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

b. *The Right to Organize and Bargain Collectively.*—Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government (see Section 6.e.).

Antiunion discrimination is prohibited by law.

Labor legislation is applied uniformly throughout the country, including in the four free trade zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including that performed by children. The Ministry of Labor and Social Protection generally enforces this prohibition; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years, but children as young as the ages of 14 or 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance

with the law, which it enforces effectively. The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision; however, trafficking in girls is a problem (see Sections 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for specific economic sectors and categories of workers that the Government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates generally are observed and enforced. Again during the year, the minimum monthly wage, an equivalent of about $60.00 (1.1. million lei), did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products are still subject to price ceilings. Housing is no longer subsidized.

The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

Some labor organizations lobby for healthier, safer working conditions on behalf of their members. However, neither the Government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe work environment.

f. *Trafficking in Persons.*—Trafficking in women is an underreported but persistent problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking may be prosecuted for such offenses as prostitution and procurement, falsifying documents, assisting individuals to cross borders illegally, blackmail, forced labor, or illegal deprivation of freedom.

Romania is both a source and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this issue. The only official data are for the number of individuals prosecuted for prostitution and procurement. The number has been increasing since 1997, but this phenomenon seems to be due to an increased awareness of the problem among law enforcement officials rather than an increase in the activities themselves. NGO's that work with women's issues agree that several thousand women are trafficked to other countries each year. International Organization for Migration representatives in Bucharest report that they process two cases a month involving women trafficked to other countries who wish to return home. No separate statistics exist for children trafficked to other countries.

It is estimated that there are between 20,000 to 22,000 illegal immigrants, and that part of this total is a result of illegal trafficking. According to official statistics, 28 groups who tried to illegally transit the country were discovered in 1998. Women reportedly were trafficked to Turkey, the Netherlands, and other West European countries, as well as other former Communist countries, like Poland. In 1997 the Government of Turkey deported some 7,000 Romanian women. Authorities in the Netherlands broke up a trafficking ring late in the year that victimized some women from Romania.

In May police in Braila reportedly summoned women suspected of traveling to Turkey to engage in prostitution and threatened them with arrest and public exposure of their activities if they refused to surrender their passports. Police then confiscated their passports, and prevented the women from leaving the country. Several domestic prostitution rings are active.

RUSSIA

Politically, economically, and socially, Russia continues to be a state in transition. While constitutional structures are well defined and democratic in conception, democratic institution building continues to face serious challenges, often due to significant limitations on the State's financial resources. The 1993 Constitution establishes a government with three branches and checks and balances, although it provides

for a strong executive. The executive branch consists of an elected president and a government headed by a prime minister. There is a bicameral legislature (Federal Assembly), consisting of the State Duma and the Federation Council, and a judicial branch. Both the President and the legislature were selected in competitive elections judged to be largely free and fair, with a broad range of political parties and movements contesting offices. President Boris Yeltsin was elected in 1996, and Prime Minister Vladimir Putin took office in August. A more centrist-leaning Duma was elected on December 19 in elections that were judged by international observers to be largely free and fair, although preelection manipulation of the media was a problem. On December 31, President Yeltsin resigned and Prime Minister Putin became Acting President. A presidential election is scheduled for March 2000. The judiciary, although still seriously impaired by a lack of resources and corruption, has shown signs of limited independence.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government throughout the Russian Federation. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The military's primary mission is national defense, although it has been employed in local, internal conflicts for which it was prepared inadequately, and is available to control civil disturbances. More recently, internal security threats in parts of the Russian Federation have been dealt with by militarized elements of the security services. These same organizations are tasked with domestic law enforcement. Many members of the security forces, particularly within the internal affairs apparatus, continued to commit human rights abuses.

The economy has performed better than expected following the August 1998 financial crisis and the sharp devaluation of the ruble. Industrial production reached its 1997 level again in March and continues to grow. Gross domestic product (GDP) growth for the year was estimated at 1.5 percent, substantially higher than previously expected. At year's end, GDP was estimated at $75 billion (1.84 trillion rubles) for the first 6 months of the year. GDP per capita for the first 6 months of the year was $85 (2,086 rubles) per month. The inflation rate for the first 11 months of the year was 34.8 percent and was not expected to exceed 40 percent by year's end. Growth in industrial production is aided by high world prices for commodities such as oil, gas, and nickel. The ruble's devaluation also has given domestic producers a significant cost advantage over imported goods. However, greatly reduced domestic demand limits the scope of economic recovery. Real incomes shrank significantly during the year, and wage arrears continued to increase. Average wages were $66 (1,717 rubles) per month in October 1999, compared with $68 (1,123 rubles) per month in October 1998. Real consumer spending is still 11 percent below the 1997 average. Lack of investment also inhibits sustained economic growth. Although the ruble devaluation in August and September 1998 made Russian assets inexpensive, foreign investment has not increased. Domestic investment is being funded mainly from retained earnings. The ailing banking system also hampers domestic investment. The 1998 crash reduced the total assets in commercial banks by 52 percent. The public is wary of the private banking system, preferring to keep its money in state-owned Sberbank, where deposits have grown by 50 percent. The government statistics office estimates that the informal economy—barter and hidden commercial activity designed to avoid heavy tax and regulatory burdens—accounts for 24 percent of GDP. However, other authoritative sources believe it to be much higher. Corruption continues to be a dominant, negative factor in the development of commercial relations. Official unemployment was 11.7 percent in October, but actual unemployment was estimated at approximately 23 percent, with significant regional variation.

The Government's human rights record remained uneven, and worsened in some areas. Government forces killed numerous civilians through the use of indiscriminate force in Chechnya, and security officials' beatings resulted in numerous deaths. There were credible reports—and government officials admitted—that law enforcement and correctional officials tortured and severely beat detainees and inmates, and government forces reportedly raped civilians following the battle for the Chechen town of Alkhan-Yurt. Prison conditions continue to be extremely harsh and frequently are life threatening. According to human rights groups, between 10,000 and 20,000 detainees and prison inmates die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government has made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices re-

main largely underdeveloped. During the year, the military procuracy reported decreases in the number of reported crimes and hazing incidents. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law. There were reports of military officers and units sending soldiers to the front lines in Chechnya as punishment instead of using the military justice system. Such incidents reportedly were being investigated by military procurators.

Arbitrary arrest and detention remain problems. Police and other security forces in various parts of the country continued their practice of targeting citizens from the Caucasus and darker-skinned persons in general for arbitrary searches and detention on the pretext of fighting crime and enforcing residential registration requirements. Police corruption also remains a problem. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries, but remain largely unreformed and have not yet adopted practices fully consistent with standards of law enforcement in a democratic society. While the President and the Government have supported human rights and democratic practice in statements and policy initiatives, they have not institutionalized the rule of law required to protect them. Most abuses occur at lower levels, but government officials do not investigate the majority of cases of abuse and rarely dismiss or discipline the perpetrators.

The Government made little progress in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition, the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. However, there were indications that the law is becoming an increasingly important tool for those seeking to protect human rights. Nonetheless, serious problems remain. For example, the case of Aleksandr Nikitin, a retired Soviet Navy captain and environmental reporter, continued to be characterized by serious violations of due process, and there are credible charges that the FSB's case against him was politically motivated. St. Petersburg judge Sergey Golets found Nikitin not guilty on charges of treason and espionage in December after the FSB for the eighth time filed espionage charges against Nikitin in July.

Authorities continued to infringe on citizens' privacy rights. Government technical regulations that require Internet service providers to invest in equipment that enables the FSB to monitor Internet traffic caused serious concern. While the Government generally respected freedom of the press, significant systemic problems persisted, and there were continued reports of government pressure on the media. Private media, which flourished through the first half of 1998, came under increasing stress in the months after the August 1998 financial crisis. Faced with major financial difficulties, many media organizations saw their already tenuous autonomy erode during the year. Federal, regional, and local governments continued to exert pressure on journalists by: Selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to unduly influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; and removing reporters from their jobs and bringing libel suits against them. Foreign and Russian journalists were frequent victims of kidnapings for ransom by criminals in Chechnya and throughout the northern Caucasus.

The Federal Government took steps to mitigate the potentially discriminatory effects of the 1997 religion law, and religious organizations, despite the severe limitations of the beleaguered judicial system, are winning some important court cases. By July religious groups reported that they were reregistering their local organizations successfully, although problems persisted in some regions. However, there are numerous reports that religious organizations either were denied registration or experienced long delays in reregistration, as local authorities sought to obstruct the activities of religious groups. On November 23, the Constitutional Court upheld the provision of the 1997 religion law that requires religious organizations to prove 15 years of existence in the country in order to be registered. However, the Court also ruled that religious organizations that were registered before the passage of the 1997 religion law are not required to prove 15 years' existence in the country in order to be registered. Religious organizations and human rights experts have suggested repeatedly that the law be amended to extend the period for reregistration, to prevent a scenario in which a large number of religious organizations are left un-

registered and therefore legally vulnerable to closure by court order after year's end. No extension was implemented as of December 31.

While the Federal Government promised to implement measures to discourage local authorities from attempting to close unregistered religious organizations, critics of the law fear that at least some religious organizations may be forced to close. Discriminatory practices at the local level are attributable to the increased decentralization of power, as well as to government inaction and discriminatory attitudes that are held widely in society. In addition, some regional governments have passed laws and decrees since 1994 that restrict the activities of minority religious groups, some of which have been subject to harassment as a result. Societal discrimination, harassment, and violence against members of religious minorities remained a problem. Although there were improvements in some areas, there were continued reports of religious violence in the Northern Caucasus and several serious anti-Semitic incidents.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, though successfully challenged in court, remain largely in force and are tolerated by the Federal Government. The presence of these restrictions, which increased following terrorist bombings in September, demonstrated the continued obstacles to the enforcement of judicial rulings. In September Moscow authorities expelled some 500 residents of the Caucasus from the city.

Government human rights institutions are still weak and lack independence but are becoming more active. Although Human Rights Ombudsman Oleg Mironov was not known previously for expertise in human rights, he has taken an increasingly active and public role in promoting human rights, speaking out on the religion law, the rights of psychiatric patients, and electoral rights. Mironov has established an office with 150 staff members, who are responsible for investigating human rights complaints and promoting human rights education. Activists report that the Presidential Human Rights Commission, chaired by Vladimir Kartashkin, was relatively inactive during the year. With few exceptions, human rights nongovernmental organizations (NGO's) documented and reported on human rights violations without governmental interference or sanctions. However, some local officials harassed human rights monitors and, in some cases, arrested them. Violence against women, trafficking in women and young girls, and abuse of children remain problems, as does discrimination against women and religious and ethnic minorities. There are some limits on worker rights, and there were reports of instances of forced labor.

Chechen separatists also committed abuses, including the killing of civilians.

The 1997 Khasavyurt Accord established an uneasy peace in Chechnya following the 1994–96 conflict. However, on August 8, the status quo was broken when armed groups from Chechnya carried out an insurgent raid on neighboring Dagestan. Deadly terrorist bombings throughout Russia, allegedly the work of Chechens, were cited by the Government along with insurgent attacks in Dagestan as justification to launch a brutal assault on Chechnya to reassert federal control. Russian troops launched a full-scale attack on Chechen separatists in Chechnya starting in September, shelling cities, killing numerous civilians, and displacing hundreds of thousands of persons.

On February 3, Chechen republic president Maskhadov announced the suspension of constitutional law and declared a state of Islamic Shari'a law in the region. According to press reports, a shura (council) of prominent figures came into being on February 10 to help oversee Shari'a law. In the process, the Maskhadov government stripped the region's legislature of most of its responsibilities and abolished the region's vice presidency.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no confirmed political killings by agents of the Government; however, an undetermined number—between 10,000 and 20,000—of detainees and prison inmates died, some from beatings by security officials, but most due to harsh conditions in detention (see Section 1.c.).

During the conflict in Chechnya in the fall, the military used indiscriminate force against areas containing significant civilian populations, resulting in numerous deaths (see Section 1.g.). On November 25, drunken soldiers opened fire on a Chechen kiosk and killed one woman, Larisa Titiyeva, and injured two others. Authorities in both the army and the Interior Ministry together with local authorities were investigating the case at year's end.

In December human rights NGO's and some pro-Moscow Chechen authorities alleged that government forces carried out extrajudicial killings in the village of Alkhan-Yurt in Chechnya. According to these allegations, government forces engaged in a looting spree in Alkhan-Yurt after they captured the village from Chechen fighters in early December. According to some accounts, government troops killed between 19 and 41 civilians through mid-December. The Ministry of Defense at first denied that there were extrajudicial killings in Alkhan-Yurt but later announced that the Chief Military Procurator's office was investigating the incident (see Section 1.g.).

Human rights NGO's and press organizations reported that up to 40 Ingushetiya-bound internally displaced persons (IDP's) were killed in a convoy attack on December 3 near Goity, southwest of Groznyy. Survivors of the incident reported that the assailants, who were masked, wore Russian armed forces uniforms. Some survivors claimed that the assailants were government troops. However, government officials publicly denied such suggestions and claimed that Chechen fighters carried out the attack as a provocation. At least one government official claimed that the site of the convoy attack was not under federal government control at that time.

According to unconfirmed press reports, police in the Nogai okrug killed two Nogais (see Section 5).

A number of government officials were murdered. Some of these killings appear to have been politically motivated, while the majority were linked to private financial or commercial dealings. A number of law enforcement officials also were killed as a result of their attempts to stem crime.

On April 9, in St. Petersburg local Liberal Democratic Party of Russia (LDPR) leader Gennadiy Tuganov was murdered near his home on the Griboyedova channel embankment. While the LDPR considered the killing to be a political murder, many observers believed that it was business-related.

On October 20, St. Petersburg legislative assembly deputy Viktor Novoselov was killed when a bomb was detonated on top of his car. Novoselov's driver also was injured as a result of the bombing. Press sources speculated that the murder was politically motivated since Novoselov was set to testify at a hearing later that day about the date of gubernatorial elections, and his testimony might have proved embarrassing to St. Petersburg administration officials.

In December prior to the Duma elections, a campaign worker for former St. Petersburg mayor Anatoliy Sobchak was killed by unknown assailants.

According to an international labor organization report, on January 27 unknown assailants murdered Gennady Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares (see Section 6.a.).

Politically related violence at times resulted in death and injuries. For example, in April and May the republic of Karachayevo-Cherkesiya (in the northern Caucasus) held its first presidential elections in post-Soviet history. The campaign period and elections were filled with incidents of violence aimed at the major candidates, as well as a high number of election irregularities that strongly suggested electoral fraud. The ensuing victory of Vladimir Semenev, which was upheld by local authorities, renewed the protests that now threaten the republic's territorial integrity. On September 7, eight persons were wounded and one died as a result of injuries during clashes between supporters of Semenev and his rival Cherkessk mayor Stanislav Derev (see Sections 1.c., 3, and 5).

On November 23, the supreme court of Kalmykiya found Sergey Vaskin and Vladimir Shanukov guilty of the June 1998 murder of Kalmykiya newspaper editor Larisa Yudina. Both men were sentenced to 21 years in prison. A third man, Sergey Lipin, received a lesser sentence for concealing information about the crime. The trial began in July. Yudina's murder was widely believed to be regional government retribution for her news stories investigating high-level corruption in the republic and criticizing Kalmykiya president Kirsan Ilyumzhinov (see Section 2.a.). In his August 16 Duma confirmation hearing, Prime Minister Vladimir Putin testified that the FSB continues to investigate who may have ordered the killing.

In July 1998, the Ministry of the Interior announced that four hired killers who were apprehended in the Kyrgyz Republic had confessed to the August 1997 killing of St. Petersburg deputy mayor Mikhail Manevich. Media reports at the time of Manevich's murder suggested that Manevich, who was chairman of the city property committee, was killed by individuals whose financial interests were threatened by his property privatization program. The person or persons who ordered the murder have not been identified. The FSB has expressed confidence in its ability to solve

Manevich's murder, but former St. Petersburg mayor Anatoliy Sobchak said that he no longer believed that the murder would be solved.

In January authorities arrested a sixth person from the Ministry of Defense, Deputy Chief of the Special Paratroopers' Detachment Major Konstantin Mirziayev, in connection with the 1994 murder of journalist Dmitriy Kholodov. In July Kommersant Daily reported that the Procurator General charged three officers of the airborne troops, one former officer, and another man in the case. A trial is expected in military court in the spring 2000.

No one has been charged yet in the November 1998 murder of State Duma Deputy Galina Starovoytova, who was murdered in what press reports characterized as a professional killing. Press reports at the time of the murder suggested that Starovoytova was killed to prevent her from revealing information on official corruption. Duma Deputy Yuliy Rybakov sent an official inquiry to the FSB, which replied that a politically-motivated murder is still the main scenario that it is investigating.

There has been no progress in the investigation of the 1995 murder of Russian Public Television (ORT) Director Vladislav Listyev. However, ITAR–TASS reported in March that investigators believe that his murder may have been connected with the division of the ORT's advertising market.

Reports of violence continue in the Northern Caucasus. On February 20, an explosion in Makhachkala, the capital of Dagestan, killed one person and narrowly missed a group of Russian soldiers. On March 21, a bomb in downtown Groznyy killed one person and injured eight others in an apparent attempt to kill Chechen president Maskhadov. According to press reports, the bombing was the fourth attempt to kill Maskhadov since he became president in 1997. Chechen officials later claimed that the bombing was aimed, in conjunction with the Gennadiy Shpigun kidnaping, at destabilizing the political environment and discrediting the government (see Section 1.b.).

On March 19, an explosion in the central marketplace of the North Ossetian regional capital of Vladikavkaz killed at least 53 persons and injured about 100 more. Russian media reports attributed the explosion to a bomb. President Yeltsin and North Ossetian president Aleksandr Dzasokhov both criticized the explosion as an attempt to destabilize the republic and the Northern Caucasus region as a whole. President Yeltsin sent then-Interior Minister Sergey Stepashin to Vladikavkaz and ordered then-Prime Minister Yevgeniy Primakov to launch an investigation into the bombing.

Since the Vladikavkaz marketplace bombing, a wave of similar attacks unsettled the situation in North Ossetia. In May three bombs in the Sputnik military housing compound killed 4 persons and injured 15. On June 3, an antitank mine killed one person and injured two others near the Baku-Novorossisk oil pipeline.

On May 23, gunmen injured Danilbek Tamkaev, an adviser to Chechen president Maskhadov, and killed his brother when they shot at his car in Groznyy. On May 25, a bomb hit the car of Chechen mufti Akhmad-hadji Kadyrov in Groznyy and killed five of his bodyguards.

On August 31, an explosion at the Manezh shopping center in Moscow resulted in the death of 1 person and injuries to 40 more. On September 4, a powerful car bomb exploded on a military base in Buynaksk, a town in central Dagestan. The bomb was detonated near a military housing facility, and as many as 64 persons were killed and 145 were injured. Most of the victims were family members of officers serving in the region. On September 9, an explosion leveled an apartment complex in Moscow and killed 94 persons. Early in the morning of September 13, a bomb blast destroyed an apartment building in Moscow, killing at least 118 persons. On September 14, authorities arrested two men in connection with the bombing and were seeking another three suspects. In the following week, authorities detained more than two dozen suspects, detained illegal residents and aliens, and confiscated over 6 tons of explosives, drugs, and weapons. Government officials implied that Chechnya-based Islamic extremist groups were responsible for the bombings but have not presented any evidence or pressed charges against any individuals by year's end. Human rights activists argued that the authorities detained and discriminated against persons from the Caucasus in conducting their investigation (see Sections 1.d. and 5). On November 3, Moscow police reported that they had filed charges against a suspect in the bombings who they believed was loyal to militants in Chechnya.

Religious figures also were kidnaped, tortured, and killed during the year (see Sections 1.b., 1.c., and 5).

In January Chechen field commander Salman Raduev told reporters that he had ordered the April 1997 railway bombing in Pyatigorsk that killed 2 persons and injured 20, but that the 2 Chechen women on trial in Stavropol for the bombing were

not those responsible and had confessed only after being tortured by authorities. An FSB spokesman denied these claims.

On February 24, the Supreme Court countermanded the decision of a Moscow oblast court in the 1995 murder and kidnaping of legislator Sergey Skorochkin. The Supreme Court returned the case to the Moscow court for a new trial. In November 1998, a jury found four suspects not guilty and two others guilty only of kidnaping. In December 1998, the Moscow oblast procurator's office appealed the Moscow oblast court sentence.

On April 20, the Moscow Military Court began hearing the case against Valeriy Radchikov, former chair of the Russian Fund of Invalids of the War in Afghanistan, and 2 alleged accomplices, in the November 1996 Kotlyakovo cemetery bombing that left 14 persons dead and about 30 wounded. At the hearing the two accomplices recanted their previous testimony against Radchikov, which they said had been made under pressure from the police and the procuracy. When the Court questioned Radchikov, he claimed that an investigator from the Procurator General's office had pressured him to incriminate former Prime Minister Viktor Chernomyrdin, former presidential administration head Anatoliy Chubays, and former federation council chairman Vladimir Shumeyko.

There has been no resolution to the December 1998 beheading of four foreign telecommunications workers, whom kidnapers had been holding hostage in Chechnya for 2 months (see Section 1.b.). Chechnya's deputy procurator general told Interfax in March that his office had finished an investigation of the case, arrested four unnamed suspects, and passed their cases to the republic's supreme Shari'a court. He also claimed that another four unnamed suspects in the case already had been sentenced to death. For his part, then-Interior Minister Stepashin charged in a January interview that Arbi Barayev—a prominent Chechen warlord—was involved in the case.

Meanwhile, no formal charges have been filed in the investigation into the December 1996 attack on the International Committee of the Red Cross (ICRC) compound in Novyy Atagi, Chechnya, during which six ICRC workers were killed and one was wounded.

There were no developments in the 1998 murder of St. Petersburg city official Yevgeniy Agarev, although the investigation into the case reportedly continues. There were no developments in the 1998 murders of Deputy Representative of the Russian Federation to the Chechen republic Akmal Saidov, Dagestani mufti Said-Mukhamed Abubakarov, or Chechen official Shadid Bargishev, the 1996 murder of U.S. businessman Paul Tatum, or in the 1990 murder of Orthodox priest Aleksandr Men.

Chechen separatists killed a number of civilians (see Section 1.g.). There were credible Russian press reports that Chechen separatists tortured and killed a number of civilians (see Section 1.c).

b. *Disappearance.*—There were no reports of government involvement in cases of politically motivated disappearances. Kidnaping frequently is used by criminal groups in the Northern Caucasus, some of which may have links to elements of the former insurgent forces. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones (see Section 5). Many of the hostages were being held in Chechnya. The Chechen interior ministry's chief of staff said in August that the ministry registered 76 kidnaping cases in the first half of the year but added that the real number of cases was higher. Otherwise, there were no reports of disappearance as a precursor to a political killing, although a number of persons remained missing at year's end.

On February 23, Chechen president Maskhadov's adviser on relations with ethnic Russians, himself a Russian, was kidnaped in Groznyy.

On March 5, unknown assailants abducted Major-General Gennadiy Shpigun—the Interior Ministry's special envoy to Chechnya—from his airplane at Groznyy airport. Although the motives behind Shpigun's kidnaping are unclear, Russian press reports indicate that his role in the 1994–96 Chechen war earned him much local animosity. Although Chechen law enforcement officials later claimed to have issued arrest warrants for six unnamed assailants, Shpigun remains missing.

U.S. missionary and university instructor Herbert Gregg was kidnaped in the Dagestan capital of Makhachkala in November 1998. The kidnapers tortured Gregg and cut off one of his fingers during his captivity in order to extort ransom (see Section 5). In January Dagestani law enforcement officials told the Russian press that they had arrested four unnamed suspects in connection with the Gregg case. Russian and Ingush interior ministry troops later freed Gregg on June 29. Other religious figures also were kidnaped (see Sections 1.a. and 5).

Geraldo Cruz Ribero, a New Zealander and ICRC medical administrator, was kidnaped in the Kabardino-Balkariya capital of Nalchik on May 15. Russian and

Ingush interior ministry forces freed Ribero late in July. A Russian Interior Ministry official told reporters that his counterparts had arrested four persons—three Chechens and a resident of Kabardino-Balkariya—in connection with the kidnaping.

According to press reports, in December authorities arrested Salavdi Abdurazakov, a Chechen who is suspected of organizing the 1997 kidnaping of five Russian television journalists in Chechnya. Abdurazakov reportedly was sent to Moscow immediately for judicial proceedings.

Chechen authorities frequently have claimed that they are fighting kidnapers actively. New Chechen laws call for jail terms or public executions of kidnapers.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects, and that the Government does not hold most of them accountable for these actions. For the most part, the Government does not hold perpetrators accountable for these actions. There are also a few claims of abuse of psychiatry by authorities. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society.

Prisoners' rights groups, as well as other human rights groups, have documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. An Amnesty International researcher has described the practice of torture as "widespread." Numerous press reports indicate that the police frequently strike persons based on little or no provocation or use excessive force to subdue those whom they arrest. Observers noted that persons attempting to vandalize a foreign consulate in St. Petersburg on two separate occasions in March and May were beaten severely with fists, feet, and nightsticks by police. Reports by refugees, NGO's, and the press suggest a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, and Africa (see Sections 2.d. and 5). Police also have used excessive force in dealing with demonstrators. In September after terrorist bombings in Moscow, law enforcement officers detained and beat persons from the Caucasus. Police also increasingly targeted defense lawyers for harassment, including beatings and arrests, and intimidated witnesses (see Section 1.e.). Police plant drugs and other false evidence as pretexts for arrests, arrest and detain persons based on their political views and religious beliefs, and conduct illegal searches of homes (see Sections 1.d., 1.f., and 2.c.). Police extort money from suspects, their friends, and their relatives (see Section 1.d.). Government forces in Chechnya killed numerous persons and injured many others. In one incident in November, government troops opened fire on doctors and other medical staff at a psychiatric hospital, injuring three persons (see Sections 1.a. and 1.g.). According to human rights NGO's, government troops raped civilian women in Chechnya in December in the village of Alkhan-Yurt and in other villages.

In October Ministry of Justice troops stormed the Vyborgskyi paper mill in Leningrad oblast and opened fire on workers who had barricaded themselves in the factory's administration building. The workers were protesting the mill's new foreign ownership. Minister of Justice Yuriy Chayka admitted to the Duma later that month that the troops' actions were "lawful in form, but digressed from the law in content" (see Section 6.c.).

According to Human Rights Watch's (HRW) report on torture in Russia released in November, torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access to medical professionals, and because the techniques used often leave few or no permanent physical traces. The HRW research appears to support the conclusions reached in Amnesty International's 1997 report on torture. Amnesty International also reported the use of "press-camera," a system whereby violent prisoners are coopted by guards and used to control or punish other prisoners. The coopted prisoners are permitted to torture prisoners (sometimes to gain confessions) or deal with "difficult" prisoners. The "crucifixion of Christ" involves the victim being secured in a spread-eagle position to either a metal cot or prison bars, to which powerful electric shocks are applied. These allegations have been corroborated by other credible sources.

Torture is forbidden by Article 21 of the Constitution; however, since "torture" has never been defined in a subsequent law or the Criminal Code, it is difficult to

charge perpetrators. Police only can be accused of "exceeding" granted authority, a far milder violation of the Criminal Code.

Research conducted by HRW indicates that the country's justice system encourages police to resort to torture and hampers an adequate defense of the accused. Law enforcement organs are expected to meet an unreasonably high 80 percent target rate for solving crimes, despite the loss of experienced officers and underfunding since the breakup of the Soviet Union. The official rate for crimes solved in 1998 was 74.4 percent; experts consider a 30 to 40 percent rate to be consistent with democratic practices and international standards for due process.

Sergey Pashin, a judge in a Moscow appeals court, has stated repeatedly that in the cases that come before him, confessions often have been beaten out of suspects. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. As Pashin told the press in the fall, he estimates that out of 1,200 official torture complaints received in the country annually, only 20 criminal investigations are opened, and only 3 or 4 go to trial. In a letter to then-Minister of Internal Affairs Stepashin in the fall of 1998, Human Rights Ombudsman Mironov reported that 50 percent of prisoners with whom he spoke claimed to have been tortured. In April 1998, the Permanent Human Rights Chamber, an advisory presidential committee, concluded that torture was "common" among representatives of the Ministry of Interior, and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified to the Chamber that the Criminal Code has no definition of torture, and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training. HRW researchers confirm that no centralized information on torture is available in the country, and that regional human rights groups are able to document cases in some regions but not others.

HRW noted that the quality of criminal investigations is low and that they can drag out endlessly. Assuming that they are aware of their rights under the law, defendants often are not granted access to defense attorneys or to medical treatment. Pretrial detention conditions are so miserable that defendants sometimes confess simply to be moved to relatively easier prison conditions. Retractions of extorted confessions usually are ignored. The accused can spend many months or even years in pretrial detention because the current criminal procedure code allows judges to send cases back for investigation an unlimited number of times.

Caucasus Press reported on June 22 that authorities beat and arrested 14 Azerbaijani citizens in Moscow in June. The newspaper Express reported that day that some 34 Azerbaijanis were beaten and arrested as a part of a police search for 6 prisoners who escaped from an Irkutsk penal colony.

The Moscow Times reported on September 1, that the local procurator's office has been unaccountably slow to resume investigation of the case of Aleksey Mikheyev, who jumped out of a third-story window to escape torture by Nizhniy Novgorod police in September 1998. Mikheyev, now paralyzed from the waist down as a result of his fall, said that he was tortured repeatedly with electric shocks. He was forced to confess to the murder and rape of a young woman (who turned up 2 days after the torture occurred); police also attempted to extract confessions to five other unsolved murders.

In April 1998, Olga Smirnova testified before the Human Rights Chamber of the President's Political Consultative Council that she had been raped and beaten over the course of a 10-day detention in 1994 at a Moscow police station. Police were trying to force her to testify as a witness in a criminal case of which she had no knowledge. She said that she tried three times to file a complaint with the district procurator's office, but that her complaint was rejected each time. Valeriy Abramkin of the Moscow Center for Promotion of Criminal Justice Reform (MCPCJR) said that the Moscow procurator's office finally ordered an investigation into the case, but as of the end of 1998 it had not been completed. Although the MCPCJR continues to follow this case, no new information was available as of September 1.

Under the Operation Clean Hands program, created in 1995, MVD officials continued to work to combat police crime. By the end of 1998, more than 34,000 citizen complaints had been lodged against police officers. Over 2,100 cases have been initiated against police personnel. Of that number, 922 were group crimes and 127 included civilian perpetrators.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal, hazing of new junior military recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former military personnel, the Military Procurator's Office, and NGO's monitoring conditions in the military indicate that this

mistreatment often includes extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicate that this type of mistreatment has resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There are also reports that officers in some cases use beatings to discipline soldiers whom they find to be "inattentive to their duties."

According to the Central Military Procuracy, there were 818 reported cases of military commanders assaulting their subordinates in 1998, an increase of 100 percent over the previous year. In July the Main Military Procurator's Office (MMPO) reported a 40 percent increase in bribe-taking in the first half of the year, compared with the same period for 1998, while abuse of military position or authority increased by 23 percent. Half of such cases involved physical violence. In general, incidents of brawling increased roughly 23 percent and hooliganism, or disorderly conduct, increased 17 percent. However, the MMPO also recorded a 14 percent drop in reported crimes during the year, and a 10 percent decrease in reports of hazing. In part, the reductions were attributed to a reported decline of roughly 30 percent in military service evasion. Offenses against military service declined about 28 percent, and premeditated murder dropped 22 percent. Specifically noted were some 20 criminal investigations aimed at general officers and admirals on charges of graft. The MMPO also reported that it opened over 14,000 investigations of allegations of abuse of office during the year, 11,000 of which went to trial.

Both the Soldiers' Mothers Committee and the MPPO also have noted an increase in the number of reports about "non-statutory relations" in which officers or sergeants physically assault or demean their subordinates. This tendency commonly is attributed to stressful conditions throughout the military and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions. In 1998 every second draftee expressed concern that his life, health, or sanity would be threatened during the period of military service by such incidents.

In the navy, investigations reportedly uncovered about 20 incidents of nonstatutory treatment of sailors since the beginning of the year, just on the aircraft carrier cruiser "Admiral Kuznetsov." Similar activity, including the theft of military hardware and weapons by sailors seeking to escape hazing, reportedly was uncovered on the heavy nuclear cruiser (and flagship) "Petr Velikiy."

Other reported abuses of military personnel included the practice by officers and sergeants of "selling" soldiers, most often linked to units in the Northern Caucasus Military District. The 10-year-old Committee for the Protection of the Rights of Servicemen and Their Families has worked actively throughout the Northern Caucasus region, successfully rescuing 42 ethnic Bashkiri conscripts who were sold by NCO's and officers, but has been reluctant to act on behalf of ethnic Russian captives or soldiers from other ethnic groups. One person reportedly was held for 7 years. The Committee also reports that in many instances, the army apparently was not even aware officially that these men had been abducted from their units. There were also reports of military officers and units sending soldiers to the front lines in Chechnya as punishment instead of using the military justice system. Such incidents reportedly were being investigated by military procurators (see Section 1.e.).

There were similar incidents in the armed forces of the Ministry of Internal Affairs. In June 44 ministry soldiers in the Far East went absent without leave after enduring repeated systematic abuse and beatings not only by senior servicemen, but by officers as well. Military investigators determined that 20 of these soldiers had injuries of varying severity and also found that over 50 conscripts from the same small garrison had illnesses caused by neglected injuries. Among those implicated were the unit commander, chief of staff, the deputy commander for personnel, the deputy commander for supply, and the unit's medical officer.

The MMPO continues to cooperate with the Soldiers' Mothers Committee to investigate allegations of abuse and recently established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the Soldiers' Mothers Committee believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity.

According to the armed forces' Medical Service, approximately 45 percent of those committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages was also a factor, particularly in cases of suicide among officers. The Mothers' Rights Foundation and the Soldiers' Mothers Committee believe that many of those who reportedly committed suicide were driven to do so by violent hazing or abuse. The Soldiers'

Mothers Committee believes that the vast majority of hazing incidents are never reported. In incidents brought to the attention of the military or civilian authorities, the Soldiers' Mothers Committee reported in 1997 that in 60 percent of the cases there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result.

The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence of selection committees during the conscription process. In one Moscow-region unit cited by the Soldiers' Mothers Committee, 46 percent of the newly arrived conscripts had physical or psychological health problems, which should have exempted them from military service. The rise in the number of draftees unfit for military service also allegedly is contributing to crime within the armed forces. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment. The Military Procuracy continued its antidraft evasion efforts and cracked down on conscription abuses during the year. In January and February, these efforts resulted in the detention of 1,633 servicemen absent without leave. Those who turn themselves in voluntarily and have a "good reason" for being absent without leave are given reduced sentences, with the assistance of the military procurator's office.

Degrading and substandard living conditions persist throughout the military, principally due to insufficient funding. As of April, the number of armed forces personnel without housing was 93,400, and a further 43,200 need housing on military bases.

Despite the acknowledged seriousness of the problem, the military leadership has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse, at least in part due to lack of funding and the leadership's preoccupation with urgent reorganizational issues and the fighting in Chechnya.

There is still no law providing for the constitutional right to alternative civilian service, and the proposal for all-volunteer armed forces has been put off indefinitely, in the face of the current economic crisis and the Government's inability to sufficiently raise military pay. Although some regional authorities are attempting to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has yet to be passed by the Duma. Without such legislation there is no legal basis for any current alternative service program, beyond the constitutional language itself. As a result, the courts often rule against the individual based upon the legal requirements relating to military service.

The systematic abuse of psychiatry as a form of punishment during the Soviet-era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities apparently occasionally still abuse the practice of psychiatry for other purposes: In St. Petersburg, six members of Sentuar, a local Scientologist organization, were hospitalized forcibly in June for a 3-week psychiatric evaluation. The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects." In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.).

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents), told Time magazine in 1998 that military, police, and state security agencies often use internal, closed-door tribunals to deal with whistle-blowers by sending them to psychiatric institutions. He said that "more and more" policemen and military and intelligence officers sought out his organization after they had been labeled mentally ill.

There were credible Russian press reports that Chechen separatists tortured a number of civilians (see Sections 1.a. and 1.g.).

Politically motivated violence also occurred. In October according to the St. Petersburg police two activists from Stepashin's campaign to the State Duma were assaulted in connection with their electoral activities. Their injuries did not require hospitalization (see Section 3).

On August 3, in Yekaterinburg, the apartment of independent television company Channel Four Plus President Igor Mishin was destroyed by a bomb. Mishin, who was not in the apartment at the time of the explosion, reportedly had rejected requests by gubernatorial candidates to "alter the company's position" in their favor, instead maintaining an independent posture in covering the elections. No arrests were made in this incident by year's end (see Section 2.a.).

On February 2, a bomb seriously injured a paratrooper in Dagestan. On April 24, a bomb exploded outside a building housing two Western consulates in Yekaterinburg. While no one was injured, the building was damaged severely. On June 22, a bomb exploded near the Ministry of Interior in Moscow. On June 28, an antipersonnel mine injured 11 persons in Vladikavkaz.

After the Karachayevo-Cherkesiya supreme court ruled the results of the May 16 presidential election valid, supporters of Cherkessk mayor Stanislav Derev (who had received 20 percent of the vote) attacked the jeep of former commander in chief of ground forces Vladimir Semenev (who had received more than 70 percent of the vote). On the night of September 8–9, three explosions, reportedly grenades, went off near the homes of Semenev supporters. On the night of September 14–15, after ethnic Karachay president Semenev was inaugurated, two Karachay-owned cafes were bombed. On October 11, an aide to President Semenev was injured seriously during an attempted murder, but it cannot be confirmed whether this attack was politically motivated (see Sections 1.a., 3, and 5).

Ingush president Ruslan Aushev issued an official protest early in July on behalf of ethnic Ingush refugees trying to return to the Prigorodnyy district of North Ossetia. Up to 70,000 Ingush refugees fled the Prigorodnyy and Vladikavkaz areas in 1992, when interethnic fighting broke out between Ossetian and Ingush inhabitants. According to Russian media reports, just over 10,000 of the refugees have been able to return so far. According to a June report by the Ingush branch of the Memorial human rights group, ethnic Ingush refugees have faced systematic harassment while trying to return to the Prigorodnyy district (see Section 2.d.).

Incidents of societal violence apparently based on religious belief also occurred. For example, according to press reports, in August between 10 and 15 youths burst into a Moscow Hare Krishna temple, beating followers and giving at least 1 person a head laceration severe enough to require hospitalization. In May two bombs exploded near a Moscow synagogue, and in July the director of a Jewish cultural center was stabbed (see Section 5). An unexploded bomb was discovered in another Moscow synagogue in July. Religious figures also were kidnaped, tortured, and killed in the Northern Caucasus (see Sections 1.a. and 5).

Prison conditions are extremely harsh and frequently life threatening. The penitentiary system is administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penitentiary facilities.

Conditions for detainees and prisoners in most government facilities remain extremely harsh, particularly in pretrial detention facilities (SIZO's) where overcrowding is rampant and the authorities frequently employ physical abuse and torture to coerce confessions. Most detainees face extremely harsh and even life-threatening conditions. Russian news agencies reported in June 1998 that Procurator General Yuriy Skuratov had written to then-Minister of Interior Stepashin that human rights are "systematically and massively violated" in the nation's prisons. According to the MCPCJR, the 1998 economic crisis worsened underfunding for prisons. Some prison directors have been forced to find unusual solutions in order to feed their inmates, such as using prison labor to run small businesses.

According to the 1995 law On the Detention of Those Suspected or Accused of Committing Crimes, inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions went into effect at the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds, most judges' failure to use the option of bail, and a very large prison population.

The country's penal institutions remain extremely overcrowded. According to the MCPCJR's analysis of government statistics during the year, the total number of persons held by the penitentiary system in May was 1,038,000, up from 1,009,863 in January 1998. The number of detainees in the 191 pretrial detention centers went up from 275,000 in January of 1999 to 285,600 over the first 4 months of the year. According to May data, 731,400 convicts are held in correctional labor colonies (ITK's). The January 1999 MCPCJR analysis showed that pretrial detention centers are overcrowded on the average 2.3 times over capacity, i.e., 2.3 persons are being held in space designed for 1. On average SIZO detainees have 5.2 square feet per person, compared with 12 square feet per person required by law. (Statutory space requirements for other penal facilities range from 6 to 15 square feet.) In May 85,000 persons had no personal sleeping spots in SIZO's. In one example, a Volgograd SIZO accommodated 4,800 detainees in a space designed for 1,500, averaging 1.2 square feet per person in communal cells. Similarly, in 1998 a SIZO in the Urals held 8,000 persons in facilities designed for 3,500. According to 1998 data, in "Kresty," St. Petersburg's largest SIZO, 5 to 15 prisoners were held in cells that were built 100 years ago to hold 1 prisoner. The situation is less severe in ITK's.

As of January, ITK's were only 1.1 times over planned capacity, and correctional labor colonies for prisoners serving life sentences were only 1.05 times over capacity. Special facilities exclusively for women are filled to 1.5 times of capacity, according to a study financed by Penal Reform International. In 1998 the occupancy rate for the overall penitentiary system was 112 percent. As of January, there were 39,800 women held in correctional labor colonies, according to the MCPCJR.

Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are stiflingly hot in summer (up to 40 degrees centigrade, or 104 degrees Fahrenheit, according to the MCPCJR) and dangerously cold in winter. Prisoners report that matches cannot be lit in many SIZO cells during the summer because of a lack of oxygen.

Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. Head lice, scabies, and various skin diseases are prevalent. This situation was aggravated by the country's economic crisis and resulting budgetary problems. The MCPCJR reported that in the first half of 1998, actual government budget disbursement for food for prisoners was $23 (142 rubles) per prisoner per month. This amount represented 63 percent of the Government's guideline of $36 (225 rubles) per prisoner per month. After the August 1998 financial crisis, this sum shrank to $0.88 (22 rubles) per prisoner per month, and some regions received no money at all in August and November 1998. Prisoners and detainees typically rely on families to provide them with extra food.

According to statistics provided by the MCPCJR, the 1998 planned federal budget allocated $1.25 billion (at the precrisis exchange rate, or 7.8 billion rubles), or 61 percent of what was required by the penal system. Only $983 million (at the precrisis exchange rate, or 5.9 billion rubles), or 46 percent of required funding actually was granted. Even if the budgeted allocations for 1999 were disbursed in full, they only would provide 60 percent of the amount needed for maintenance of penal institutions. Many penal institutions also supplement significantly their budget allocations with income from prison labor. In many cases, prisoners produce much of their own food. Increased funding appears very unlikely.

According to the MCPCJR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. The Saratov oblast administration, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the MCPCJR. Other support is offered by NGO's and religious groups.

Inmates in the prison system suffer from inadequate medical care. In March the Human Rights Chamber again stated that over 10,000 prisoners and detainees die each year. In August 1998, Yuriy Shcherbanenko, a senior official of the Procurator General's office, told colleagues at a conference that the level of medical services in prisons was far below international standards and even elementary sanitary norms. Every year 10,000 persons die in prisons, he said. Common causes of death in prisons include typhoid, cardiovascular diseases, and tuberculosis.

Detention facilities have infection rates of tuberculosis far higher in than the population at large. Tuberculosis in the general population and especially in prisons is considered by health and human rights experts to be not only a national, but an international, health threat. In June 1998, the Government's main sanitary doctor, Gennadiy Onishchenko, told journalists that tuberculosis rates in the prisons were five times the national average. The MCPCJR reports that as of January, 92,000 detainees had tuberculosis in the active form. Each year an estimated 35,400 prisoners contract tuberculosis. Due to a shortage of space in specialized tuberculosis care facilities, about 2,000 infected inmates live among healthy prisoners. Another 15,000 are kept in isolated sections of regular penal institutions. HIV/AIDS infection rates also are a source of concern. The MCPCJR reported that as of January, 2,300 prisoners (compared with 2,000 in September 1998) were infected with HIV, the virus that causes AIDS. Space shortages do not allow for separate facilities for prisoners with AIDS. Then-Justice Minister Pavel Krasheninnikov said in October 1998 that the number of HIV-infected inmates increased 500 percent since September 1997.

The tuberculosis epidemic in prisons became particularly urgent in mid-1998, when doctors drew attention to the presence of a new multidrug resistant form of tuberculosis, known as MDR–TB, in the country. They said that the strain was concentrated primarily among prison inmates. As of March, approximately 20,000 prisoners with tuberculosis were infected with a multidrug-resistant strain. In 1998 Doctors without Borders, Medical Emergency Relief International, and the Public Health Institute of New York sent a joint letter to President Yeltsin warning that the country had become "an international incubator of a new illness." Alexander

Goldfarb, director of the Soros Foundation's anti-tuberculosis program in the country, stated in August 1998 that in recent years the supply of anti-tuberculosis drugs seldom met more than 20 to 25 percent of prison requirements. Prison personnel often administered incorrect dosages of medicine, encouraging the development of drug-resistant strains of tuberculosis. Currently about 12 percent of tuberculosis infected inmates have a multidrug resistant strain that is especially difficult to cure.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for use of excessive force are not released publicly. While reliable figures are extremely difficult to establish, Russian human rights groups have in the past estimated that between 10,000 and 20,000 detainees and prison inmates die each year in penitentiary facilities. Some die due to beatings, but most as a result of overcrowding, poor sanitary conditions, or lack of medical care. The Ministry of Internal Affairs does not break down its statistics to specify how many of the 21,000 personnel dismissed were punished for abusing detainees or convicts. The Procuracy General receives approximately 1,000 complaints of torture per year. The HRW 1999 report on torture quotes a procuracy official as saying that this figure "does not reflect the number of such incidents." The press often reports on innocent individuals mistreated, injured, or killed in various SIZO's; some of the reported cases include habitual abuse by the same officers.

Violence among inmates, including beatings and rape, is common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, rape victims, child molesters, and others are to be "untouchable" and treated very harshly, with little or no protection from the prison authorities.

There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's). Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). Conditions in police station detention centers vary considerably but as a rule are harsh. In most cases, detainees are not fed and have no bedding, sleeping place, running water, or toilet.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal are confined in pretrial facilities (SIZO's). The GUIN has 178 SIZO's. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain extremely harsh; they fall far short of minimum international standards and pose a serious threat to life and health. Cells are overcrowded and prisoners must sleep in shifts due to insufficient numbers of beds.

The 1997 Amnesty International Report on Torture in Russia noted that "torture and ill-treatment occur at all stages of detention and imprisonment," but most often was reported in pretrial detention. These conditions have not improved. In February 1998, then-Justice Minister Stepashin admitted that "the pretrial detention centers are the most serious problem" in the prison system. Vyacheslav Budnov, the Interior Ministry official in charge of prisons was quoted in 1998 as saying that "this is a Russian paradox." Persons incarcerated in detention centers "have not gone to trial, but they are living in worse conditions than those already sentenced."

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. According to January statistics of the MCPCJR, there are 719,500 convicts (of whom 39,800 are female) incarcerated in the ITK's. According to the MCPCJR, conditions in the ITK's are better than in SIZO's and prisons only to the extent that there is fresh air. In the 122 timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards are common.

The country's "prisons"—distinct from the labor colonies or ITK's—are actually penitentiary institutions for those who repeatedly violate the relatively lax rules in effect in ITK's. Conditions in many prisons are extremely harsh. Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved.

Educational labor colonies for juveniles (VTK's) are facilities for juveniles from 14 to 20 years of age. The MCPCJR's January statistics indicate that there are 20,000 persons in the 63 educational colonies. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells suffer from beatings, torture, and rape. The MCPCJR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights.

The President's Commission for Prison Reform monitors prison conditions and has prepared recommendations and legislation for reform. None of these efforts has led to any demonstrable progress.

The formal transfer of responsibility for managing the MVD's prison facilities to the Ministry of Justice on September 1, 1998 fulfilled one of Russia's obligations as a member of the Council of Europe. Neither government officials nor human rights activists expected this transfer to improve conditions in the near future, but, as the Moscow office of Human Rights Watch noted, the transfer was an improvement because it took the prisons "out of the hands of those whose main concern is to have good statistics on the number convicted." MVD official Vyacheslav Bubnov reportedly estimated that it would take at least 7 to 10 years before conditions approached European standards. Bubnov estimated that transfer of control to the Ministry of Justice would provide 20 percent of the solution to improving conditions at prisons, but that the rest was dependent on increased funding. In view of the Government's serious budgetary problems, increased funding appeared unlikely.

In recognition of the inhuman conditions present in detention facilities, on June 18, the State Duma passed an amnesty bill intended to free an estimated 94,000 prisoners in the course of 6 months, beginning on June 22. The amnesty was intended to grant freedom to prisoners held for minor crimes and for first-time offenders, specifically veterans of military service in defense of the Motherland, pregnant women, women with children, invalids, tuberculosis-infected prisoners, minors, and senior citizens. In order to qualify for amnesty, prisoners in most categories must be serving sentences of 5 years or less. The amnesty also included persons recently sentenced and tried. Prison activists and prison officials said that they did not expect that the amnesty would resolve fully the ongoing prison overcrowding crisis. The numbers of prisoners increased by 42,000 in just the first 4 months of the year; therefore, even a 94,000-person decrease would not alter the overall numbers. Moreover, some persons believe that the amnesty conditions are too demanding; the newspaper Noviye Izvestiya cited estimates by the GUIN that only 35,000 prisoners actually qualify for the amnesty. Human Rights Watch pointed out that without a change in the policy of the Procurator's Office of placing persons in detention and arresting them for minor crimes, in view of the time needed to obtain a court hearing there would not be any major improvement in the prison situation.

At a March 19 joint hearing at the Human Rights Chamber of the President's Political Consultative Council, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court, and the Procuracy General developed a plan to address the "critical" state of the national penal system. The proposals forwarded to the Government and the State Duma included provisions such as another amnesty and changes in the Criminal Code, which could yield a prison population decrease of 400,000 over 1 year.

Prison reform activists, prison experts, independent observers, and Duma deputies agree that the country's Criminal Code is at the root of the penal system problems. According to Valeriy Borshchev, the country has the largest percentage of its population in jail in the world. The 1999 MCPCJR report states that for every 100,000 persons in the country, 760 are imprisoned.

According to the MCPCJR, Aleksandr Zubkov, Deputy Director of GUIN in the Ministry of Justice, stated that the only way to reduce the prison population is to change the Criminal Code. The Criminal Code is too severe and allows unjustifiably wide use of custody as a measure of restraint (as opposed to bail or release on the prisoner's own recognizance). According to a MCPCJR report during the year, Sergey Vitsin, deputy chairman of the Presidential Council on Judicial and Legal Reform commented that the Criminal Code does not distinguish between petty theft and larger-scale thefts and robberies. In an example cited by the MCPCJR during the year, one person was sentenced to 3½ years in prison for stealing three chickens and 2 kilograms of meat.

Theft is the leading reason for incarceration and detention in the country. The director of the Pskov SIZO reported according to a 1999 MCPCJR report that 53 percent of his detainees are charged with theft. As an example, he told of a 16-year-old who had already spent 2 months in a Pskov SIZO simply for stealing some margarine, pasta, and bread. The MCPCJR reports that of the 21,000 minors incarcerated in the country, 52 percent are charged with theft and similar petty crimes.

Custody is used systematically as the only means of restraint. The MCPCJR called for more use of alternatives to custody, such as bail and house arrest. Moreover, the MCPCJR reported that detainees spend too long in pretrial detention, in many cases as long as 3 years or more. The Ministry of Justice concurs with the MCPCJR that limits must be placed on time in detention awaiting trial.

Moscow-based human rights groups make frequent visits to the prisons in the Moscow area, but they have neither the resources nor a national network to investigate conditions in all 89 regions.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remain problems. The Constitution provides that the arrest, taking into custody, and deten-

tion of persons suspected of crimes are permitted only by judicial decision. However, the Constitution's transitional provisions specify that these provisions do not take effect until a new criminal procedure code is adopted. The new Criminal Code that was passed in 1995 went into effect at the beginning of 1997. Under the 1997 code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the new 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper protocols of arrest or for confiscated property. Moscow city law enforcement authorities frequently detained persons unlawfully for alleged violations of registration requirements, especially in response to the terrorist bombings in September, when authorities detained some 2,000 persons and deported more than 500, according to NGO's. Police officers reportedly planted drugs or ammunition on some of these persons as a pretext for arrest (see Section 2.d.). Local authorities throughout the country detain members of religious minority groups, especially the Church of Jesus Christ of Latter-Day Saints, for brief periods of time, although formal charges seldom are filed (see Section 2.c.).

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the current Criminal Procedure Code and presidential decrees. The code gives procurators authority to issue an order of detention without a judge's authorization and, if police believe that the suspect has committed a crime or is a danger to others, to detain him for up to 48 hours without a warrant.

The Constitution and the Criminal Procedure Code provide that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges. This procedure generally is followed in practice. The MCPCJR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights. However, the Center notes that the high cost of legal fees and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny the majority of suspects competent legal representation. As a result, many prisoners do not exercise this right because they believe it useless.

For example, Articles 47–49 of the Criminal Procedure Code provide that in certain cases the court, investigator, or procurator is to provide the suspect with an advocate free of charge if the suspect cannot afford one. A president of a collegium of advocates must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not in fact reimburse them for this work as it is supposed to do. As a result, in many cases indigent defendants receive little or no assistance during the investigation stage of the case, and such in-court assistance as they do receive may be rendered by poorly trained lawyers. Sometimes the right to a lawyer during pretrial questioning cannot be exercised even when the suspect can afford to pay for a lawyer. Human rights NGO's report that in many cases investigators deny access to a lawyer by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait in line for days to get a meeting with the client).

A 1997 presidential decree allows police to detain persons suspected of ties to organized crime for up to 10 days without bringing charges. The law overturned two previous presidential decrees (of 1994 and 1996) that allowed detention for up to 30 days. The 1997 decree also instructed the Government to submit to the Duma a draft federal law on preventing vagrancy and social rehabilitation of the homeless. However, according to Duma and NGO sources there is not yet any such law under consideration.

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18 months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted. The MCPCJR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the MCPCJR reports detention periods of up to 5 years due to financial constraints and poor investigative and court work.

The Code provides that a prosecutor may extend the period of criminal investigation to 6 months in "complex" cases. If more time is required in "exceptional" cases, the Procurator General personally can extend the period up to 18 months. Extensions of the investigation period often are issued without explanation to the de-

tainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence. Suspects frequently fear exercising their right to request judicial review of their detention due to fear of angering the investigating officer.

There also were credible reports that persons have been detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives. The situation has improved somewhat since the issuance of a presidential decree in 1997 that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is still not uncommon, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted.

Delays also plague the trial stage. Although the Criminal Procedure Code requires court proceedings to begin no more than 14 days after the judge issues an order designating the location of the trial, congestion in the court system frequently leads to long postponements. Some suspects actually serve the equivalent of their sentences while awaiting trial. Judges often do not dismiss cases involving improper investigations or indictments, particularly if the procurator's case has political support or the case is controversial. Instead, such cases often are returned to the procurator for further investigation.

Some authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

In August Vladivostok environmental scientist Vladimir Soifer filed a complaint in Vladivostok municipal court alleging that in early July the FSB confiscated a large number of documents from his apartment, which was not covered by its warrant and not documented in the FSB's official record of the search (see Section 2.a.).

Authorities detained or arrested a number of other environmental activists during the year. In October Vladimir Slivyak, director of the antinuclear organization Eco-Defense, announced at a press conference that Moscow police detained and questioned him for a few hours in September about his possible involvement in the August bombing of the Manezh shopping center in Moscow. One of Slivyak's coworkers reportedly had been framed on charges of drug possession. Natalya Minonova of Chelyabinsk also was detained and questioned by police officers in September as she and four other activists were on their way to city hall to deliver a letter protesting the potential import of spent nuclear fuel into the country. Authorities charged all five with hooliganism. Reportedly authorities told another activist in Voronezh to report to the police station for an "informal conversation" on the topic of an antinuclear camp near the Novo-Voronezh nuclear power plant and threatened him with drug possession charges if he failed to appear. In November disarmament researcher Igor Sutyagin of the USA Canada Institute was detained on suspicion of espionage. No information about the specific charges was made public.

Based on this series of cases and the Nikitin and Pasko cases from previous years, environmentalists both in the country and abroad criticize the FSB for its active campaign of harassment, especially of environmental activists critical of past government abuses.

St. Petersburg judge Sergey Golets ruled on December 29 that Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, was not guilty of charges of espionage and treason. Although prosecutors are expected to appeal the decision,

legal observers believe that the legal foundations of the ruling were sound and believe that it may provide an important precedent in combating abuses by the FSB.

Nikitin's case was characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with Bellona, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by nuclear waste generated by the Northern Fleet, in which Nikitin had served. In December 1996, Nikitin was released from pretrial detention but was restricted to the St. Petersburg city limits.

Indictments cited classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October 1998, nearly 3 years after Nikitin's detention. On October 29, 1998, the judge in the case returned the indictment to the prosecution for further investigation, as there was insufficient evidence to support the charges. Although Nikitin's defense claimed a qualified victory, this did not constitute an acquittal. The FSB was given another opportunity to solidify its case against Nikitin. On February 2, the Supreme Court upheld the St. Petersburg court's October 1998 decision to return the case to the FSB for further investigation. An eighth indictment filed against Nikitin in July is almost identical to the previous seven, according to Nikitin's lawyer. The trial against Nikitin resumed on November 23 in St. Petersburg. In his December 29 ruling, Judge Golets argued that the secret decrees used to charge Nikitin violated every citizen's right to access to the law and therefore was not binding under the Constitution. Moreover, according to the ruling, investigators failed to adhere to the Criminal Code during the investigation and violated Nikitin's constitutional rights.

In July after 20 months in pretrial detention, military journalist and active-duty officer in the Pacific Fleet Grigoriy Pasko was sentenced to 3 years' imprisonment for misuse of office but immediately was released under the prisoner amnesty. Pasko originally was charged with treason and espionage after conducting freelance reporting on radioactive contamination and passing to Japanese media a videotape of Russian Pacific Fleet sailors dumping radioactive waste in the Sea of Japan. Both Pasko and the military procurator intend to appeal the decision to the Supreme Court, and Pasko announced on July 22 his intention to appeal his case to the European Court of Human Rights. Nikitin's defense attorney said that Pasko's conviction is legally dubious, as the charge is based on a military code of conduct that technically has not been in force since 1990, although the military continues to enforce it internally. The trial was marked by a number of irregularities, including the judge's decision to remove one of Pasko's defense attorneys for contempt of court. Also a key witness recanted his earlier testimony, which he said had been made under pressure from investigators. As of year's end, Pasko resides in Moscow, unable to work as a journalist for Russian media in either the Far East or Moscow. The Committee to Protect Journalists and the Glasnost Defense Fund observed that, while the verdict was better news than expected, the case is still a powerful disincentive to investigative reporting.

In September press reports described Moscow authorities' use of the mass detentions of persons who appeared to be from the Caucasus as part of "Operation Whirlwind," the authorities' program to stem terrorism in response to the September bombings in Moscow (see Sections 1.a. and 5).

No new cases of arrest of human rights activists were documented during the year, although the Moscow Helsinki group stated that three human rights monitors participating in its regional reporting program were harassed (also see Section 4). No progress was reported during the year in the case of Yuriy Shadrin of Omsk, who was arrested in November 1996 on several unrelated charges. Released on December 31, 1996, Shadrin remains subject to arrest and trial. The same is true for Yuriy Padalko of Irkutsk, who was arrested in 1992 on what Human Rights Watch called "presumably trumped-up charges of libel, hooliganism, and other offenses."

Larisa Kharchenko, a housing adviser to former St. Petersburg mayor Anatoliy Sobchak, was detained in July 1997 in connection with a corruption case involving the former mayor. She was held incommunicado for 17 days and then charged with bribery and abuse of office. Her lawyer contended that the authorities do not have a case against her and that she was kept in jail and deprived of medical care in order to force her to testify against Sobchak. Kharchenko was released in mid-December 1997 but was instructed to stay in St. Petersburg pending further developments in her case. Doctors determined that, along with other medical complications, she had suffered a stroke while detained and classified her as legally disabled. No trial date was set for Kharchenko in 1998 or 1999. According to Sobchak, Kharchenko has left the country.

St. Petersburg authorities arbitrarily detained Scientologists for psychiatric evaluation (see Section 2.c.).

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and there are signs of limited independence; however, the judiciary does not yet act as an effective counterweight to other branches of government. The development of an independent judiciary continued. A 1996 law separated the courts of general jurisdiction from the Ministry of Justice and placed them under a separate agency, the Judicial Department, which is under the supervision of the Supreme Court. Although not entirely functional, the Department has assumed primary administrative and financial responsibilities for court management previously held by the Ministry of Justice. Reformers who sought to create the Department felt that the Ministry was not zealous enough in defending the interests of the judiciary, especially on budget matters. In the 1998 and 1999 budgets, the Department was funded independently of the Ministry. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary still lacks sufficient resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system, under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of both city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. A 1998 federal law provides for new judicial officers—justices of the peace, or magistrates—several thousand of whom are expected to begin serving in 2000. This new category of judicial officer is to be elected or appointed at the regional level. It is not yet clear whether justices of the peace are to form separate courts or to serve directly under the courts of first instance. Magistrates are to consider administrative and criminal cases, for which the maximum sentence does not exceed 2 years, and civil cases whose claims do not exceed a certain sum of money.

Low salaries and scant prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. Judges have received some incremental salary increases aimed at improving the quality of judges and raising the retention rate. Although judges' pay has improved, working conditions remain poor, and support personnel continue to be underpaid.

In its 1998 budget the Government called for cutting spending on the court system by 26 percent. This was despite appeals by the Federation Council (upper house of Parliament) and leading judges, as well as presidential orders issued in July 1998, which had instructed the Government to make the "normal functioning of the judicial system" a priority. In response, the Supreme Court launched a legal challenge to the budget cuts with the Constitutional Court. On July 17, 1998, the Constitutional Court struck down the article in the 1998 budget that authorized the Government to reduce spending on the judicial system. The Court cited Article 124 of the Constitution, which stipulates that the federal budget must provide for the "complete and independent" functioning of the judiciary. Despite this decision, courts were not funded fully in the current fiscal year. However, the Duma and Federation Council passed and President Yeltsin signed by February the Law on the Financing of the Courts, which makes receipt of the judiciary's budget independent of the Ministry of Finance.

Cuts in the judicial system's budget raised concerns over the permanence of gains made in recent years in judicial independence. For example, according to the Constitution, courts should be financed only by the Federal Government. But because of federal budget cuts, district courts often seek additional funds from their local governments, leaving them more vulnerable to pressure from local politicians. A 1997 survey of 250 judges, conducted by the University of Toronto, found that about half were receiving financial aid from local governments. Many courts now lack adequate funding to cover such basic expenses as electricity, telephone charges, and postage. Because of unpaid debts, many courts lost their telephone and electricity service. Without money to mail subpoenas, courts often are forced to hold trials without key witnesses. A human rights organization reported that in Bryansk in November and December 1998 all courts closed and put signs on the doors saying that the closure was due to lack of funds. These and other kinds of disruptions in the work of courts are common throughout the country.

Progress was made during the year to improve the financing of the court system. In February a federal law on the financing of the courts of general jurisdiction provided for a mechanism to ensure that the courts received money allocated to them in the budget. The Council of Judges of the Russian Federation noted that as of October 1, the courts received 100 percent of the amount allocated to that date, compared to the only 47 percent of the budgeted amount that the courts received during the same period in 1998. Moreover, the 2000 budget is to increase funding for the judicial system and to fund it entirely out of the federal budget, so that courts are no longer dependent on local or regional authorities for funding.

Judges are subject to physical intimidation and bribery. Judges have been murdered in Moscow, Irkutsk, and Yekaterinburg, although there were no reports of judges who were murdered during the year. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In January 1998, then-Prime Minister Chernomyrdin signed a decree that allowed judges to apply for permission to carry firearms. Many judges reportedly took advantage of the decree. In July chair of the Primorskiy kray arbitration court Tatyana Loktionova announced that Primorskiy kray governor Yevgeniy Nazdratenko had been interfering in the court's activities. She reported that she and her colleagues feared for their personal safety. The governor has blamed the court for bankrupting the region's enterprises and destroying its economy and persuaded then-Prime Minister Putin to authorize an internal investigation of the arbitration court for possible illegal conduct.

In October then-Prime Minister Putin signed a decree providing for the establishment of the new Academy of Justice, the country's first judicial branch training organization.

The Criminal Code provides for the court to appoint a lawyer if the suspect cannot afford one. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without any representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, in many cases the indigent receive little legal assistance, because funds are lacking to pay for trial attorneys for them, and public defenders are poorly trained.

Because the right to a lawyer during pretrial questioning often is not exercised (see Section 1.d.), many defendants recant testimony given in pretrial questioning, stating that they were denied access to a lawyer or that they were coerced into giving false confessions or statements. Nevertheless, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

In March the Supreme Court found Articles 218 and 220 of the Criminal Procedure Code unconstitutional. This finding permits defense attorneys to appeal the actions of the procuracy and investigative officials to a court, even during pretrial stages of criminal proceedings. The unconstitutional articles had restricted the conditions for pretrial appeals of the procuracy's actions and allowed appeals only to a supervising procurator, not a court.

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the prosecutor. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports indicate that in practice, the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. Moreover, in certain cases the Criminal Procedure Code allows them to do so with no limitation on the number of times the case can be investigated. The Constitutional Court partly addressed this issue in an April 20 decision and held that part of the article of the Code providing for this practice was unconstitutional. This practice of repeatedly returning cases for further investigation greatly increases the time that defendants spend in SIZO's (see Section 1.c.).

Adversarial jury trials, at the option of the accused in cases where there is a risk of a criminal penalty of 15 years or more, were introduced in 1993 and 1994 in nine regions, encompassing 23 percent of the population. In February the Constitutional Court held that in order for the death penalty to be applied, the accused must be given a trial by jury. The Court expressly stated that the death penalty could not be imposed anywhere until trial by jury was available everywhere. Since jury trials currently are provided in only nine regions, and funds to expand them throughout the country still are lacking, the decision in effect makes nearly impossible the legal imposition of the death penalty in the country. Despite plans to expand jury trials to 12 new regions, as of December the Department of Judicial Reforms of the State

Legal Administration of the President failed to do so due to lack of funds. In December 1998, press reports indicated that the Ryazan governor and Ryazan duma chairman reported to the Supreme Court and the Presidential Administration that they had suspended the practice of trial by jury primarily due to the high cost of such trials. The trials reportedly cost the region between $2,400 and $3,900 (50,000 and 80,000 rubles) per year. A council of local judges appealed to the Procurator General and the Federation Council to overturn the decision of the Ryazan authorities.

The Ministry of Justice reports that 538 cases involving 772 persons were tried by jury in 1998. Of these, 165 resulted in acquittals. Defense attorneys, defendants, and the general public reportedly favor jury trials and the more adversarial approach to criminal justice. Prosecutors and law enforcement officials continue to prefer trial by judges and the inquisitorial system.

The heads of several lawyers' associations reported during the year that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Dmitriy Baranov, vice president of the Association of Lawyers of Russia, in an interview with the newspaper MK-Yug (the southern edition of Moskovskiy Komsomolets) said that during the last year or two, defense lawyers were increasingly targets of police harassment. For example, in Rostov he said that there were a number of attempts to coerce lawyers into giving testimony against their clients. Professional associations at both the local and federal levels report that such abuses are increasing throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities.

There also were instances in which the right to due process and a fair trial were violated. For example, the arrest, detention, and September 1998 trial of Krasnodar human rights activist Vasiliy Chaykin was marked by numerous serious legal procedural violations. Chaykin was denied access to a lawyer of his choice for 1 month after his arrest. The rape charges against Chaykin rested on the testimony of nine young women, five of whom recanted the statements that they made to investigators, saying that they had been coerced by the investigating officer. The judge reportedly did not allow the court secretary to record these charges of police intimidation. Instead he threatened the young women with criminal action for giving false testimony; finally, all witnesses agreed to confirm their previous statements. Protests by the defense attorney about these procedures were ignored and not recorded by the court secretary. During the trial, Chaykin requested medical help, but the judge rejected his plea, and Chaykin suffered a heart attack several days later. The trial was postponed until Chaykin recovers. Chaykin was released on April 17 but remains restricted to his city of residence. As of year's end, there were no reports of developments in this case.

There were reports of military officers and units sending soldiers to the front lines in Chechnya as punishment instead of using the military justice system. Such incidents reportedly were being investigated by military procurators (see Section 1.e).

There was no reported progress in the 1997 case of the beating of defense attorney Oleg Kolesnikov.

On February 3, Chechen president Maskhadov declared Shari'a (Islamic law) to be in effect in the republic of Chechnya. Maskhadov signed several decrees stipulating that all local legislation be brought into line with the Koran and Shari'a regulations. Maskhadov ordered the Chechen legislature and the Council of Muftis to draft a Shari'a constitution within 1 month's time (also see Section 2.c.). Maskhadov's action apparently was a political response to pressure from Islamist rivals.

Authorities in Chechnya continued their efforts to establish a new criminal code based on the Islamic Shari'a code. Although the code has not been enacted formally, elements of Shari'a law already have been cited in court decisions, and Shari'a punishments reportedly have been imposed.

There were no reports of political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—Authorities continued to infringe on citizen's privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems still remain, and no one has ever been convicted of violating those safeguards. In 1995 legislation was passed that gave broad authority for the FSB to utilize domestic surveillance and to conduct searches of private residences, with only limited oversight by the courts and the procuracy. These measures remain in force. There were reports of electronic sur-

veillance by government officials and others. Moscow police reportedly entered residences without warrants during checks for illegal residents of the city (see Section 2.d.). Vladivostok environmental scientist Vladimir Soifer reported that the FSB confiscated personal correspondence, not covered by the warrant, during a July search of his apartment.

A senior official told a newspaper in November 1997 that the problem of abuse by governmental agencies was aggravated because the list of government agencies authorized to carry out wiretaps and undercover operations has been expanded and now includes, for example, tax authorities. He also noted that while the law provides that the Prosecutor General's office must authorize wiretaps and other undercover operations by state agencies, it does not allow prosecutorial oversight once those operations have begun.

Internet experts and right-to-privacy advocates say that interagency technical regulations called SORM–2 (SORM is the Russian acronym for System for Operational Investigative Measures), which were issued by the Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies, present a serious threat to privacy rights and violate the Civil Code, the Constitution, and international norms. SORM–2 is an amendment to SORM telecommunications regulations. The original SORM, issued in 1995, granted security services the power to monitor all telecommunications transmissions for investigative purposes. The original SORM required a warrant to carry out such monitoring, in accordance with the Constitution and other provisions of the law. SORM–2 extends to the FSB the same kind of monitoring power over Internet communication as it did for telecommunication, but without ensuring judicial oversight.

Internet service providers are required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While SORM–2 framers claim that the regulation does not violate the Constitution or the Civil Code because it still requires a court order, right to privacy advocates say that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

The first Internet service provider charged with refusing to comply with SORM–2, Bayard-Slavia Communications, and the St. Petersburg human rights organization Citizens' Watch filed complaints with the Volgograd procuracy in July. In enforcing SORM–2, the Volgograd FSB required providers to provide the FSB with a list of their subscribers and further information upon request. The Volgograd FSB charged Bayard-Slavia three times during the year with noncompliance. Bayard-Slavia Communications has demanded reversal of administrative noncompliance charges against it and confirmed its readiness to provide the required assistance to the FSB if a court orders it to do so. Citizens' Watch demanded the reversal of the Ministry of Communications order requiring SORM–2 compliance. Both complaints request that the FSB comply with the Constitution and the Civil Code.

Allegations continue to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather "kompromat" (compromising materials) on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, have been accused of working with commercial or criminal organizations for the same purpose.

There are credible reports that regional branches of the FSB continue to exert pressure on citizens employed by Western firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—The indiscriminate use of force by government forces in the conflict with separatist elements in Chechnya resulted in widespread civilian casualties and the displacement of up to 200,000 persons, the vast majority of whom sought refuge in Ingushetiya.

Estimates vary of the total number of civilian casualties caused by bombs and artillery used by government forces. The number of civilian casualties cannot be verified, and figures vary widely from several hundred to several thousand. Government officials argue that they are employing "high precision" tactics against separatist and terrorist targets in Chechnya. However, a wide range of reporting indicates that government forces are relying mainly on unguided rockets and other low precision weapons.

In September and early October, government forces launched air and artillery attacks against numerous Chechen villages along the republic's eastern border with

Dagestan in the territory controlled by Chechen field commander Shamil Basayev. Basayev led attacks in Dagestan in July and August and was believed to have retreated to this region in Chechnya. Villagers living in the region under attack claimed that they were not supporters of Basayev.

Attempts by government forces to gain control over Chechnya's capital, Groznyy, were characterized by indiscriminate use of air power and artillery, which destroyed numerous residential and civilian buildings. Up to 140,000 Russian military and security personnel in the Northern Caucasus region were involved in the current conflict in Chechnya, far more than during the 1994–96 conflict in Chechnya. On September 24, government aircraft reportedly bombed a bus with refugees near Samashki, resulting in the deaths of eight persons. Human Rights Watch confirmed that on September 27, Russian aircraft allegedly bombed a school and residential areas in Staraya Sunzha, a suburb of Groznyy, killing 7 civilians and wounding another 20, including schoolchildren. Human Rights Watch confirmed an attack by Russian airplanes on Urus-Martan, 15 miles south of Groznyy, on October 3, which resulted in the deaths of 27 civilians. On October 5, a government tank fired on a bus near Chervlyonnaya, reportedly killing some 28 civilians. According to NGO reports, on October 7, government troops attacked the village of Elistanzhi, killing some 48 civilians. On October 21, explosions killed scores of civilians in Groznyy's downtown market and a local hospital.

Western press organizations reported at least 60 civilian deaths and 200 persons injured, although Chechen government officials claimed that at least 118 persons died and more than 400 were injured. Russian officials offered contradictory explanations for the explosions; some denied any government complicity and blamed Chechen separatists. However, Ministry of Defense officials claimed on October 22 that special forces units had attacked a weapons market, but without using artillery or air power. The ICRC reported that two-thirds of Groznyy's 150,000 residents fled the city as a result of the military campaign. On October 27, government forces subjected Groznyy to the heaviest attacks up to that point as government aircraft bombed the city and killed dozens of Chechens. Chechen defense officials claimed that 116 persons were killed in the attacks that day. Also on October 27, government forces shelled the village of Samashki, killing at least 5 persons and injuring dozens. On November 1, government troops that had taken positions in a psychiatric hospital near Samashki overnight opened fire on the doctors and other medical staff who reported to work that morning, resulting in injuries to three staff members. Troops prevented hospital staff from returning to care for their patients for several days, and the condition of the hospital's patients remains unknown. On November 16, government troops surrounded and shelled two large towns near Groznyy, Achkhoy-Martan, and Argun. The attacks prompted criticism from international human rights organizations for indiscriminate attacks against civilian settlements.

According to human rights NGO's, government troops raped civilian women in Chechnya in December in the village of Alkhan-Yurt and in other villages.

Early in December, government forces airdropped a series of leaflets over Groznyy that warned civilian residents and rebel fighters to leave the city. In one leaflet directed at Chechen fighters, the command of the Combined Group of Federal Forces in the Northern Caucasus warned that any persons remaining in Groznyy after December 12 would be destroyed by air and artillery strikes. Amid international criticism of the leaflets, government officials later qualified the leaflets' language and denied that they had imposed an ultimatum on the city's inhabitants.

According to human rights NGO's, Government troops looted all valuables and foodstuffs from homes in regions that they controlled, particularly Sernovodsk, Ermolovskiy, and in the Naurskiy district. Refugees returning to their homes in Chechnya in late November discovered that they had been stripped by government soldiers.

On October 29, a government aircraft bombed a convoy of five vehicles with ICRC markings, according to ICRC officials. The bombing occurred at Shami-Yurt, west of Groznyy, and resulted in the deaths of at least 25 civilians and injuries to some 70 persons.

Finnish Foreign Minister Tarja Halonen, representing the European Union Presidency, carried out a humanitarian fact finding visit to Ingushetiya on October 30. In late November, U.N. High Commissioner for Refugees Sadako Ogata visited Chechnya and Ingushetiya. Norwegian Foreign Minister Knut Vollebaek, Chairman in Office for the Organization for Security and Cooperation in Europe (OSCE), visited the region, as agreed to by the Government at the OSCE summit in November. However, Vollebaek was not able to travel to Russian-controlled territory of northern Chechnya.

International organizations estimate that the internally displaced population as a result of the conflict fluctuated between 170,000 and 240,000, as individuals con-

tinued to cross back into Chechnya to check on their property or shop in markets. Reliable information on the number and status of displaced persons within Chechnya was especially difficult to obtain, due to heavy fighting and limited outside access to the region. As of early November, as many as 170,000 were estimated to be displaced within Chechnya and without access to humanitarian assistance.

At various points during the conflict authorities restricted the movement of internally displaced persons (IDP's) fleeing Chechnya. In late October human rights groups reported that IDP's from Chechnya were not being permitted to move from Ingushetiya to North Ossetia. According to some reports by NGO's, border guards were permitting only ethnic Russians to cross into Ingushetiya. According to the Russian press, some displaced persons were being transported by bus back to parts of Chechnya that were under Russian government control. On November 3, government forces opened a crossing on the Chechnya-Ingushetiya border and allowed approximately 3,500 persons to enter. As many as 40,000 refugees had been stranded for more than 1 week at the border, where reportedly a line of refugees stretched almost 12 miles. Refugees at the border had been living in the open, often without access to food or water. Government forces were not allowing anyone, including medical personnel, access to refugees in the line waiting to cross into Ingushetiya, and several refugees died while waiting to cross, reportedly due to heart failure (also see Section 2.d.). Russian border guards and police officers on the border between Chechnya and North Ossetia reportedly required Chechen refugees to pay money to enter North Ossetia, at one crossing point demanding $40 (1,000 rubles) for men and $20 (500 rubles) for women. According to the U.N. High Commissioner for Human Rights, the authorities prevented medical supplies for Chechen hospitals from entering Chechnya.

Russian media coverage of events in Chechnya was limited and uneven. Journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government (see Section 2.a.). Since the war resumed, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. Since November additional accreditation—besides the usual Foreign Ministry accreditation—is required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation.

Chechen separatists also committed abuses. According to unconfirmed reports, separatists killed civilians who would not assist them, used civilians as human shields, forced civilians to dig fortifications, and prevented refugees from fleeing Chechnya. In particular, Russian officials reported in December that they had unearthed evidence of mass killings by Chechen fighters in Naurskiy raion. Government officials and some local residents claimed that the fighters singled out Russian-speaking residents for execution in October, just after the resumption of government ground combat operations in Chechnya. In addition, human rights NGO's reported that Chechen fighters on November 28 fired upon unarmed civilians who were trying to maintain a neutral zone in Gekhi, southwest of Groznyy. According to local residents, at least five civilians were wounded in the attack.

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, while the Government generally respects these provisions, reports of government pressure on the media continue, particularly when coverage deals with corruption or criticizes a political official. Federal, regional, and local governments continued to exert pressure on journalists by: Selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to "clear" certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence unduly the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; and bringing libel suits against journalists. Private media, which flourished through the first half of 1998, came under increasing stress in the months after the August 17, 1998 financial crisis. Faced with major financial difficulties, many media organizations saw their autonomy further erode during the year.

The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimates that some 300 lawsuits and other legal actions were brought by government agencies against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. In most of

these cases, a government body or an individual (often with links to a figure in power) accused journalists of damaging its (or his or her) "reputation and honor." For example, then-Deputy Prime Minister Yuriy Maslyukov announced publicly in March that he was seeking an investigation by the Procurator General of Nezavisimaya Gazeta for articles suggesting that he and his staff embezzled $130 million (approximately 3 billion rubles). As in 1998, judges rarely found for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. Typically, judges seemed unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down, as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently, journalists were attacked physically; at least 10 persons died under circumstances that were presumed to be related in some way to their work as journalists. In 1998 the Committee to Protect Journalists (CPJ) came to regard journalism as the country's "most dangerous profession." Based on the record of violations of the rights of journalists during the year, the situation did not improve.

The financial dependence of most major media organizations on the Government, or one or more of several major financial-industrial groups, continued during the year to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1998—increased during the year, as the weakest players were forced out of the market, leaving only the largest media empires (including media outlets owned by the federal, regional, and local governments) intact and in control of key media. In particular, government structures, banking interests, and the energy giants Lukoil and Gazprom continued to dominate the Moscow media market even as they extended their influence into the regions. The protracted effects of the 1998 financial crisis exacerbated this problem during the year, weakening the financial positions of most news organizations, thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result, the media's autonomy and concomitant ability to act as a watchdog was diminished.

According to the National Press Institute (NPI), a nonprofit organization dedicated to the development and maintenance of a free press, private newspapers faced intense pressure from major financial groups in Moscow and from dominant local business interests to influence their editorial content.

In key respects, private media organizations across the country remained dependent on the Government during the year. According to the GDF, some 90 percent of media organizations continued to rely on state-controlled concerns for paper, printing, or distribution. Moreover, journalists continued to depend on local authorities for accreditation to major news events. Reports of both favoritism toward reporters associated (or aligned) with the local administration and denial of access to journalists representing independent media organizations were widespread. The GDF reports that officials continued to manipulate a variety of "instruments of leverage" (including manipulating the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals, noting that, as in 1998, this practice was more common outside the Moscow area than in the capital itself. For example, in May the chief of staff of Saratov's duma threatened to prevent reporters whose stories allegedly insulted the honor of duma members and staff from covering duma sessions. In September 1998, Saratov governor Dmitriy Ayatskov signed a special order stripping journalists of their accreditation if they repeatedly "distort" information. In July the editor of Severniy Kurer, the only independent newspaper in Karelia, was threatened with physical violence if he refused to transfer his shares in the newspaper to local entrepreneurs who are reportedly sympathetic to the republic's administration. Other newspaper staff have come under similar pressure to sell their shares to this grouping, which already controls over one-third of the publication's shares.

Independent and semiindependent television stations continued to develop, and the number of small private radio stations, mostly in the large cities, continued to increase. However, television companies faced government economic pressure similar to that experienced by the print media. Many stations were forced to rely on the State (in particular, regional committees for the management of state property) for access to the airwaves and office space.

Private print and broadcast media, like other enterprises, were vulnerable to unpredictable changes in the policy and practice of tax collection. (Tax avoidance is extremely widespread both among commercial enterprises and individuals.) In July top editors of the Media-Most outlets, which include Independent Television (NTV), Ekho Moskvy, Segodnya, and Itogi, publicly accused senior officials in the Yeltsin administration of singling out their organizations for "punitive" tax inspections in

an effort to "muzzle the free press." The editors, as well as many in the journalistic community, argued that publications and broadcast operations that reported on the Government more sympathetically were not targeted for such inspections. The Presidential Administration has denied repeatedly these allegations. The disruption of the tax inspections notwithstanding, none of the Media-Most organizations were forced to shut down; each continues to operate today and to criticize the Government. The GDF and other media NGO's have documented independently many other similar cases across the country.

The private media continue to face more direct challenges from the Government as well. The Government owns 150 of the 550 television stations in the country and 18 percent of the 12,000 registered newspapers and periodicals. The State owns or controls Russian Public Television (ORT) and Russian Television and Radio (RTR) (two of the three national television stations), radio stations Mayak and Radio Rossii, newspapers Rossiyskaya Gazeta and Parlamentskaya Gazeta, and news agencies ITAR–TASS and RIA-Novosti. At the regional and local levels, governments operated a much higher percentage of media outlets than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. Thus in a large number of media markets, citizens effectively received information only from unchallenged government sources. Officials from the Union of Journalists reported in April that local authorities around the country were reorganizing the editorial boards of various publications, allegedly to make them conform to civil code regulations. However, after the reorganization the boards are governed by the law on state employees and not the law on the mass media. In the opinion of the Union of Journalists, this change makes journalists function as mere mouthpieces of their editorial boards and circumscribes the publications' editorial freedom.

On July 6, President Yeltsin signed a decree abolishing the existing State Press Committee and the Federal Service for Television and Radio and establishing the Ministry of Press, Television, Radio Broadcasting, and Mass Communications. The head of the new ministry, Mikhail Lesin (the former deputy chairman of the Russian State Television and Radio Company), answers directly to the President. The decree stipulated that the Ministry's main tasks are to be "the development and implementation of a state policy toward the mass media." The Ministry also assumed authority over the registration of mass media organizations, the regulation of the production and distribution of audio and video products, and the regulation of radio and television broadcast frequencies. The decree also suggested that television stations with nationwide broadcasting licenses may have to reapply to retain them—a provision seen by many observers as designed to influence the stations' policies on the eve of the Duma and presidential elections. This is the second major structural change in as many years designed to strengthen the hand of the Federal Government over the mass media; in 1998 the Government established the All-Russia Television and Radio Company (VGTRK), whose head also answers to the President. The creation of the VGTRK was part of the Government's effort to strengthen its control over the state media—and to a certain extent, to increase its leverage over other, private broadcast organizations—by consolidating its central and local television and radio companies into an enlarged and potentially more powerful holding company. In 1998 the VGTRK began to manage the sites that transmit the broadcasts of private television channels.

In August after a number of television stations showed footage of Chechen leaders in their reports on the conflict in Dagestan, the Ministry warned the companies against "giving air time to Chechen field commanders," stating that this "violates Article 4 of the Law of the Russian Federation on the Mass Media" (which forbids the inciting of racial violence or hatred). Days earlier, a city-owned station in St. Petersburg was issued an almost identical warning for airing anti-Semitic material (see Section 5). Later that month, Minister Lesin issued another stern warning to the ORT in connection with a news report by the station that allegedly displayed "flagrant disrespect for the flag of the Russian Federation" and allegedly contained "disrespectful comments about the Russian President." Minister Lesin informed the station that "such violations might lead to the revocation of the station's broadcasting license." In late August, the Ministry again warned the ORT that it could lose its broadcasting license, after the ORT broadcast a story about a mass demonstration in St. Petersburg by supporters of the Union of Right Forces. In February the newspaper Vremya MN reported that the State Committee for Publishing advised local authorities to withhold tax privileges and apply financial pressure to local newspapers that promote political extremism. According to the newspaper the local definition of political extremism may vary widely between regions.

On more than one occasion, senior government officials, including in one case President Yeltsin, voiced "expectations" or "suggestions" to media representatives

and government officials that clearly were intended to change the way the media operated. After fighting in Dagestan and Chechnya broke out again in the fall, journalists apparently practiced self-censorship and provided few graphic descriptions of the killings and other abuses committed by Russian troops. Late in December, NTV broadcast limited coverage of alleged massacres by government forces in Chechnya, including video footage that showed military trucks loaded with items which government forces had looted. Despite officials' statements that such coverage was unpatriotic, the broadcast and print media continued to provide some information of the war in Chechnya from unofficial sources.

Local governments also applied pressure on media based within their jurisdictions in the period prior to the December Duma elections. In August fire authorities carried out a surprise inspection of the physical plant of the Moscow-based newspaper, Kommersant Daily. The authorities charged the newspaper with failure to comply with local fire safety standards and closed the newspaper down for a day. Kommersant executives appealed directly to Prime Minister Putin for relief. The Prime Minister intervened on Kommersant's behalf, stating that he would not allow "communal regulation of the media," and the newspaper resumed publishing. Immediately after the shutdown, Kommersant's publishers filed a lawsuit in the Moscow arbitration court to recover the losses that the paper incurred due to the forced stoppage. The Court has not yet ruled on this suit. Days later, in a similar case, Moscow authorities warned editors at another Moscow-based newspaper, Noviye Izvestiya, that unless the newspaper adhered to heating system regulations, the municipal government would "take action." To date the paper continues to publish without disruption.

In August the procurator in Omsk had the private television transmitter belonging to the station STV–3 impounded after the station aired accusations of financial impropriety against the deputy procurator. The procurator's office stripped STV–3 reporters of their accreditation, conducted an investigation that concluded the accusations had no merit, and charged those responsible for the story with slander. After these steps the STV–3 continued to air stories against the Omsk administration, and the station's transmitter finally was impounded.

In November vice chairman of the Media-Most conglomerate Igor Malashenko argued in an interview that the Presidential Administration was trying to use economic means to close down the NTV during the parliamentary election campaign. On October 29, state-owned Vneshekonombank sued the NTV's holding company for immediate payment of a $42 million loan. On November 2 and 3, Vneshekonombank had 39 Media-Most bank accounts in 8 banks frozen. Media-Most then agreed to pay back the loan in full.

Radio Free Europe/Radio Liberty noted in a 1998 report on the Russian media that the mayor of Moscow, Yuriy Luzhkov, could exert pressure on distribution companies, on paper suppliers, or on the corporate parents of "any media enterprise deemed to be objectionable," and that Luzhkov had used his power "to ensure a largely compliant press in his hometown."

During the year, there were many instances in which authorities disregarded and challenged the right of journalists to investigate and publish stories. In early 1998, President Yeltsin signed a decree, On the List of Information that Constitutes a State Secret, widening the scope of privileged information that legally could be withheld from the public. Information pertaining to the development, production, storage, and disposal of nuclear ammunition, for example, was included explicitly in the language of the decree, with the result that it has now become much more difficult—in fact illegal—for citizens residing near disposal sites to publicize through the media the increased health risks and environmental degradation. According to this decree, information on the preparation and conclusion of international treaties, as well as information in certain economic categories, falls within the domain of state secrets.

In efforts to control the media, local authorities often passed laws and issued orders in apparent violation of the Constitution and federal laws. In April the legislative assembly of the Perm region passed a law making state subsidies to local media organizations conditional on "the amount of news space or broadcast time provided by the organization for disseminating government information." In May local officials in the Belgorod region refused to register an independent newspaper, Zvezda, on the basis of an order signed by the head of the regional administration, Vladimir Gerasimenko, instructing the administration's information directorate "to act on behalf of the administration as the publisher of the region's newspapers." According to Zvezda's editor in chief, Alla Kaverina, the order clearly violates mass media law; she reported the case to the GDF, but the issue remains unresolved to date.

Government censorship remained a significant problem during the year. In May in the central Russian city of Kirov, Valeriy Fokin, the press secretary of the re-

gional governor, demanded that the local television station, Channel 9, stop the production of a program containing criticism of the local duma. Fokin recommended that the program's writer, Aleksandr Bulakh, "change the focus" of the program and remove any criticism of local authorities. Feeling "powerless" to resist, Bulakh revised the program according to the specifications of the local administration. In a similar case in June, authorities in the city of Voronezh denied accreditation to a local version of the Moscow-based Novaya Gazeta. Galina Shatunova of the Voronezh city administration stated publicly that the decision was a result of the newspaper's "incorrect coverage of the work of the administration." At a human rights conference held in St. Petersburg in November, Yuriy Vdovin of the NGO Citizen's Watch charged that the FSB has played a role in censorship. He claimed that there have been cases in which journalists were not able to publish certain items due to the presence of an FSB "helper" in the controlling apparatus of the organization.

In June Svetlana Yanyushkina, editor in chief of MK Samara (a 4-page supplement to Moskovskiy Komsomolets in Samara), was forced from her position after she published a series of unflattering articles on the expansion of the activities of the financial-industrial group Sibirskiy Alyuminiy. According to journalists in the region, Sibirskiy Alyuminiy coowner Oleg Deripaska complained about the coverage to the local administration, arguing that the articles "damaged the interests" of the group. Samara governor Konstantin Titov reportedly then conveyed his "displeasure" to one of the senior managers of the paper. Officially, Yanyushina then "offered to resign of her own volition," but journalists familiar with the case insist that she had no choice in the matter. No further investigation ensued. By the end of August, Yanyushkina had found work at a television station in Samara.

Journalists publishing critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to threats of physical violence, beatings, and murder (see Sections 1.a. and 1.c.).

A number of independent media NGO's have characterized beatings of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. The press and media NGO's reported 10 killings of journalists, presumed to be related to the journalistic work of the victims, and dozens of other bodily assaults on journalists. As was the case in the 12 murders in 1998, police seldom found the perpetrators of crimes against journalists.

On February 13, Viktor Chertkov, a correspondent at the Yantarniy kray newspaper in Kaliningrad, was beaten severely in the entrance of his apartment building by a group of unidentified men; the assailants also took drafts of the articles he was carrying at the time of the attack. Chertkov's colleagues linked the incident to his reporting. The same newspaper reported two other attacks against journalists in Kaliningrad. On July 1, two persons forced Oleg Altovskiy, a host of the television program City, into an entryway of an apartment building, took his camera and tapes, and threatened to kill him because he had "gone too far in his reports." On the same day, Vladimir Sazonov, a political observer at Kaliningrad's Kaskad newspaper, was hospitalized with severe head injuries after being attacked. Police investigations produced no results in either case. The assailants remain at large.

On March 1, in the southern city of Rostov-on-Don, two persons who introduced themselves as "employees of the police press service" visited the home of army journalist Aleksandr Tolmachev and offered him materials on the subject of corruption in the ranks of senior officials of the Northern Caucasus Military District. When Tolmachev went outside to meet the pair, the visitors brutally beat him with iron bars. The investigative journalist, who probes crimes by high-ranking army officers, survived a similar attack in 1995. The Rostov-on-Don police still are investigating the case but have not yet made any arrests.

On March 26, in Yekaterinburg several men attacked Eduard Khudyakov, a journalist who was working for a local television network. Khudyakov, who sustained severe knife wounds, believes that the attempt on his life was related directly to his professional activity as a journalist. The police launched an investigation and offered a reward of approximately $10,000 (250,000 rubles) for information leading to the arrest of the perpetrators. In the same city on April 6, someone set fire to a vehicle belonging to a local independent television company, ATN. The culprit broke the window and threw a bottle filled with flammable liquid into the car. To date, the police have made no arrests.

In Yekaterinburg masked armed men entered the offices of MK-Ural and seized all copies of its April 1 edition, which included an interview with a candidate for the Sverdlovsk duma who was a victim of a contract killing on March 30. In the

interview the candidate, who was an outspoken opponent of the Uralmash crime group, revealed the name of a man who previously had tried to have him killed.

On April 1, in the eastern Siberian city of Yakutsk, Sergey Sarkisov, a photographer at the local newspaper Yakutiya, was approached by an unidentified man who told Sarkisov to open his camera and expose the film in it. Sarkisov refused to do so. Later, on the way to his office, he was attacked by three persons. The assailants took his camera and ruined the film. No one was arrested in connection with the attack. In a similar case, on April 2, Mikhail Vyalov, a photographer working for a local newspaper in the city of Ulyanovsk, reportedly was beaten by employees of the local FSB as he was trying to take photos of members of a criminal group who were being apprehended by the FSB. The FSB denied that the beating took place, alleging instead that the journalist had "fallen" when the FSB was "checking his documents."

On April 5, in Makhachkala, Dagestan, Elmira Kazhayeva, a reporter working for the newspaper Youth of Dagestan, received anonymous telephone threats in response to an article she authored exposing numerous violations of campaign rules on the part of Dagestan duma deputy Ruslan Ibragimbekov. Kazhayeva earlier had received threats after the publication of stories on other topics as well.

On May 13, Andrey Lependin, a sports reporter with the newspaper Voronezhskiy Kuryer, was beaten near his apartment building by three persons. Prior to the assault, the three first had asked Lependin his name. Lependin's colleagues link the attack to his reporting about the financial deals of the Fakel sports club. Valeriy Neneko, the head of the club, had called the newspaper to complain about the publications. Later, he reportedly said that if necessary, he would "communicate with Lependin in a different way."

On May 31, after the publication of a series of articles on the illegal privatization of Sochi's beach resorts, Novaya Gazeta investigative reporter Sergey Zolovkin learned of a "contract" on his life and that of his daughter. Concerned that local officials had links to the mafia group that had put out the contract on his life, Zolovkin asked his head office in Moscow to raise the issue with then-Minister of the Interior Vladimir Rushaylo. The Ministry reportedly opened an investigation.

On June 30, Yuriy Stepanov, the managing director of the independent radio station Lemma, was beaten severely outside his home in Vladivostok. The attack came after the station broadcast an interview in which a majority shareholder in shipping company Vostoktransflot alleged that Primorskiy kray Governor Yevgeniy Nazdratenko had embezzled from the company. On July 6, unknown persons forced Stepanov's daughter into a car and threatened her with bodily harm unless her father changed the station's policy of offering to broadcast the views of anyone who wanted to do so.

On August 3, in Yekaterinburg, the apartment of independent television company Channel Four Plus President Igor Mishin was destroyed by a bomb. Mishin, who was not in the apartment at the time of the explosion, reportedly had rejected requests by gubernatorial candidates to "alter the company's position" in their favor, instead of maintaining an independent posture in covering the elections. The police had made no arrests by year's end.

On August 9, in St. Petersburg, Aleksandr Borisoglebskiy, a well-known journalist and one of the founders of the 600 Seconds daily broadcast popular during perestroyka times, was assaulted by bodyguards at the residence of Damir Shadayev, a rich businessman and gubernatorial candidate in Leningrad oblast. Borisoglebskiy's cameraman Vladimir Mishin was assaulted as well. The two journalists approached Shadayev's residence but did not trespass on his property. In September Borisoglebskiy was murdered during a fact-finding trip to the Vyborg pulp and paper plant. In August workers at the plant had protested attempts by the owners of the plant to replace the management team.

In August Sergey Zhabinskiy, a reporter in Achinsk in Krasnoyarsk kray, discovered a grenade under his car that was set to explode once the car was set in motion. He had been receiving death threats since a story of his that criticized the Achinsk alumina plant appeared on local television.

On August 30, the editor in chief of the Novosibirsk newspaper Vesti, Lyubov Loboda, was knifed to death. She had established and edited the nonpolitical weekly since 1996. An official investigation was launched under the special supervision of the head of the regional police authority. At present, investigators have not linked her death to her work as a journalist, but to date, no other motive has been put forward. Loboda had received threats at her office before.

There was no progress made in the investigation of the beating death of Anatoliy Levin-Utkin, deputy editor of Yuridichesky Petersburg Segodnya, in August 1998.

Journalists maintained and strengthened associations to defend their rights and monitor governmental abuse.

The country's Northern Caucasus continued to be a dangerous region for Russian journalists. On May 14, in Karachayevo-Cherkesiya a large group confronted a film crew of the Respublika television company. The group demanded the videotape footage of a report that the crew had produced on the recent republic-wide election; the footage contained evidence of violations of federal election law and explicit verbal threats against journalists issued by local officials. Members of the group severely beat the journalists and destroyed their equipment; they also took the videotape. In a similar incident in May, supporters of Vladimir Semenev, one of the candidates in the elections, abducted a camera crew and seized video material from journalists of Stavropol state television. After long negotiations, the journalists were freed on the condition that they "not film again." And on May 29, in the same region, unknown arsonists set fire to the home of Anna Belskaya, the editor of the official daily, Den Respubliki. According to Belskaya's colleagues, the attack was occasioned by the newspaper's independent commentary on the ongoing political battles in the republic.

On August 27, five armed men attacked a television center that was under construction in Nazran in Ingushetiya. The men took one security official hostage until Ingush police officers freed him. Four of the assailants escaped and one of was killed reportedly when a grenade he was carrying exploded.

In the period before the Russian military operations in the Northern Caucasus intensified, violations of journalists' rights in Chechnya were at a lower level than their 1997 peak, due in part to the withdrawal of most news organizations from the region. Kidnapings and threats against journalists by Chechen rebels were frequent. The Maskhadov government continued to take actions against opposition television stations. In addition, Maskhadov imposed a ban in February on Russian television programming deemed as not conforming to Shari'a norms. Since the war resumed, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. Since November additional accreditation—besides the usual Foreign Ministry accreditation—is required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation.

The FSB interfered with citizens' right to privacy by monitoring use of the Internet (see Section 1.f.).

Although the Government generally respects academic freedom, the case of environmental researcher Vladimir Soifer constitutes an apparent violation of academic freedom. On July 3, the FSB seized documents, including personal correspondence, from the Vladivostok office of Soifer, a prominent physicist who researches marine radioactive contamination. The search was conducted after the cancellation of government funds for his research and of his security clearance for access to his laboratory in March. Soifer filed a complaint with a Vladivostok procurator, alleging that the FSB failed to list in its protocol the items that its forces took from his apartment, such as his external passport. Further, Soifer alleged that the FSB confiscated personal correspondence, unrelated to his research, without a warrant. As of September 1, Soifer still was unable to continue his research and remains in Moscow. The GDF and Human Rights Watch see this case as part of a larger pattern of harassment of environmentalists by authorities, which includes the Pasko and Nikitin cases (see Section 1.d.), and the Moscow directorate of justice's refusal to register Aleksey Yablokov's "Ecology and Human Rights" organization (see Section 2.b.).

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government.

The Constitution provides for freedom of association, and the Government respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. In 1995 a registration law was passed specifying that organizations had until June 1999 to reregister. When the deadline expired on July 1, some human rights activists expressed deep concern that an estimated 10,000 NGO's would be vulnerable to possible "liquidation" (closure by court order) by local authorities who were hostile to human rights or opposition political activity. In a move which human rights activists marked as a potentially serious blow to freedom of association, in November the Federation Council rejected a bill that was passed by the Duma to extend the reregistration deadline by 1 year. To date the Ministry of Justice maintains that there were not a large

number of liquidations, as a result of the passing deadline. NGO's currently are studying the situation and attempting to track the number of organizations affected by the deadline. It was difficult to assess the scope of the problem due to the large number of registered NGO's that exist only on paper, as well as the large number of active but unregistered organizations. Ministry of Justice officials stated publicly, and a few NGO's agreed, that 4 years was sufficient time for most organizations to reregister, and that obtaining new registration generally was not difficult. However, there were several high profile cases in which well-known activists or organizations were refused reregistration—such as Sergey Grigoriants' Glasnost Foundation and environmentalist Aleksey Yablokov's Ecology and Human Rights association—by regional departments of justice on grounds that these organizations called illegal and discriminatory.

According to press reports, in January a district court in Bashkortostan banned the Tatar Public Center for allegedly calling for the secession of a Tatar region from the republic and for the ouster of republic president Murtaza Rakhimov. The Center's director contends that it only asked voters not to choose Rakhimov in the 1998 elections, and that it protested a draft language law that did not designate Tatar as an official language in the republic (see Section 5).

According to press reports, on July 15, the Ministry of Justice's regional office in Krasnodar kray denied the registration of the Association for the Protection of Human Rights on the grounds that the organization's goal of participating in elections violates the law. The group, which analyzes whether regional legislation conforms with federal and international law, had been operating in the region for 5 years.

On August 16, the Moscow City Court upheld the ruling of a municipal court and the Moscow Directorate of Justice to deny registration to Ecology and Human Rights, an association led by the country's leading environmental activist, Aleksey Yablokov. The court's decision echoed the Directorate of Justice's view that protection of the environment is the responsibility of the Government and that "interference of community entities in the activities of the organs of state authority and its officials is not permitted." The organization is seeking legal assistance in order to seek a solution. Observers have linked this development to the prosecution of environmental reporters Pasko and Nikitin (see Section 1.d.), and to FSB harassment of environmental researcher Vladimir Soifer (see Section 2.a.).

In September Dagestan's parliament passed legislation that outlawed "Wahhabi" groups and other organizations it considered extremist. During the year, federal and Dagestani authorities stepped up their pressure on what they label as the republic's "Wahhabi" Muslim community. After an incursion on August 7 by Chechen-backed Islamist guerrillas, Dagestan president Magomedali Magomedov declared that his government would take a harder line against "Wahhabism" (see Section 2.c).

In addition to submitting their bylaws and the names of their leaders, political parties must present 5,000 signatures and pay a fee to register. The Constitution and the Law on Elections ban the participation in elections of organizations that profess anticonstitutional themes or activities.

On March 30, President Yeltsin signed the law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal law on public associations. These laws stipulate that associations must have charters that state specifically an intention to participate in elections, and that they must be registered with the Ministry of Justice 1 year prior to elections.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions.

In December 1990, the Soviet Government adopted a law on religious freedom designed to put all religions on an equal basis. (After the breakup of the Soviet Union, this law became part of the Russian Federation's legal code.) The 1990 law forbade government interference in religion and established simple registration procedures for religious groups. Registration of religious groups was not required; however, by registering groups obtained a number of advantages, for example, the ability to establish official places of worship or benefit from tax exemptions.

During the early and mid-1990's, many sectors of society, particularly nationalists and many members of the Russian Orthodox Church, were disturbed by a sharp increase in the activities of well-financed foreign missionaries. Many advocated limiting the activities of what they termed "nontraditional" religious groups and what sometimes were called "dangerous" or "totalitarian" sects.

In October 1997, the Duma enacted a new, restrictive, and potentially discriminatory law on religion, which raised questions about the Government's commitment to international agreements honoring freedom of religion. Passage of the law prompted concern in the international community, because for the first time since the breakup of the Soviet Union, the Government had adopted legislation that could abridge fundamental human rights. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity.

The new law ostensibly targeted so-called "totalitarian sects" or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions.

The critics of the law believe that the basic assumption behind the law is that religious groups must prove their innocence and their legitimacy before gaining the advantages of state recognition. Russian government officials, including President Yeltsin and then-Prime Minister Chernomyrdin, pledged that the law on religion would not result in any erosion of religious freedom in the country. Officials in the Presidential Administration and the Cabinet of Ministers have echoed and clarified these commitments during 1998 and the first half of 1999. They have taken a flexible approach to implementation of some of the law's most negative aspects and have shown some willingness to intervene with local authorities in defense of religious rights.

The 1997 law on religion is very complex, with many ambiguous and contradictory provisions. On its face, the law creates various categories of religious communities with differing levels of legal status and privileges. The law distinguishes between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshipers that does not have the legal status of a juridical person, meaning that it cannot open a bank account, own property, issue invitations to foreign guests, publish literature, or conduct worship services in prisons and state-owned hospitals, among other things. Groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups." For example, a member of a religious group could buy property for the group's use, invite personal guests to engage in religious instruction, and import religious material. However, in this case, the group would not enjoy tax benefits and other rights extended to religious organizations, such as proselytizing.

The law's most controversial provisions are those that limit the rights, activities, and status of religious groups existing in the country for less than 15 years. Groups that can prove their existence in the country for 15 years have the right to obtain the status of "local religious organizations." Similarly, congregations that had existed for 15 years when the new law was enacted also are eligible for registration as an organization. Organizations, both local and centralized, are considered juridical persons, enjoy tax exemptions, and are permitted to proselytize, establish religious schools, host foreign religious workers, and publish literature.

Under the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities. They are barred from conducting liturgical services and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under Russian law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities and do not have the status of a religious organization.

A "centralized religious organization" can be founded by a confession that has 3 functioning "local organizations" (each of which must have at least 10 members who are Russian citizens) in different regions. A centralized organization apparently has the right to establish affiliated local organizations without adhering to the 15-year rule. In implementing this provision, the Government has extended this definition to include a "registered centralized managing center." Centralized organizations also have been accorded the right to organize affiliated local organizations, which themselves do not comply with the 15-year rule.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's requirement that religious groups exist for 15 years before they can qualify for "organization" status. Also, many groups feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Representatives of some religions, such as the Church of Jesus Christ of Latter-Day Saints

(Mormons) and some Pentecostal and charismatic Christian groups, have said that their activities in the country could be halted under the law. The law furnishes regional officials with an instrument that has been interpreted and used by officials at the local level to restrict the activities of religious minorities.

Human rights activists welcomed a March open letter to the President and Duma by Human Rights Plenipotentiary Oleg Mironov, in which he criticized the 1997 religion law and recommended changes to bring it into accordance with the Constitution and international norms for religious freedom. (Mironov's office is a government entity created by the Parliament in 1997 that is dedicated to investigating complaints of human rights abuses—see Section 4.)

Between February 12 and June 3, 1998, the Government issued three sets of regulations governing implementation of the new law. While providing procedural guidelines for registration, the regulations failed to clarify many key definitional points in the law.

In practice the registration process—which involves simultaneous registration at both the federal and local levels—has proven for a number of confessions to be onerous and requires considerable time, effort, and legal expense. International and well-funded Russian religious organizations, in particular, began the reregistration process soon after publication of the regulations governing reregistration. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's) reregistered as a centralized religious organization by late March 1998. It has since incorporated many smaller, newer Pentecostal groups within its structure.

According to Ministry of Justice figures, by year's end, approximately 80 percent or 320 out of 400 religious organizations were reregistered on the federal level, representing 40 percent of the total number requiring reregistration. At year's end, the Ministry estimated that about half of the 16,850 religious organizations still were not reregistered on the local level.

The Government is attempting to address mounting concerns that a large number of religious organizations may remain unregistered when the deadline passes at year's end and be left vulnerable to attempts by local authorities to restrict their activities. In June the Ministry of Justice sent to the regional directorates of justice a recommendation that local religious organizations be reregistered. Another development may help religious organizations indirectly: on August 2, a presidential decree was signed which, among other things, clarified the relationship between the federal Ministry and the regional directorates of justice, stating that the directorates are "territorial organs of the Ministry of Justice." Observers and officials view this decree as a means to help bring insubordinate directorates more in line with federal policies, although it is unclear what effect this decree had in practice.

The Duma failed to pass before year's end an amendment to the 1997 religion law that would extend the deadline for registration of religious organizations by 1 year. It was unclear whether this development, which leaves approximately half of the total 16,850 organizations exposed to "liquidation" (closure by court order), would result in closures. Duma officials and representatives of the Ministry of Justice state that the amendment is to be voted on in late March 2000. On December 31, Deputy Minister of Justice Yevgeniy Sidorenko reported to the press that the Ministry of Justice sent to the regional directorates of justice a recommendation that they refrain from initiating legal proceedings to liquidate any organizations.

As of August, several religious groups report that local registrations have gone more smoothly, following a June Ministry of Justice recommendation to regional directorates of justice that local religious organizations be reregistered. Jehovah's Witnesses reported on September 1 that the group had registered 188 local organizations in 53 regions and hoped to register a total of 500 by year's end (Jehovah's Witnesses report a total of 1,000 congregations in Russia, not all of which require registration). Late in August, the Unification Church stated that it had registered five local religious organizations.

The delay in reregistration is due in part to the slow pace at which the federal Ministry of Justice has disseminated the regulations and guidelines to local authorities and understaffing both at the Ministry of Justice and at local levels. In many instances the Ministry of Justice has asked for additional information and has demanded changes in the organizational structure and by-laws of some groups to ensure that they are in conformance with the law. Also, smaller, minority confessions sometimes feared the registration process, while others started the process late because they needed to agree internally on how to register their organizations in conformance with the law. Of 89 regions, 30 have laws and decrees on religion that violate the Constitution by restricting the activities of religious groups; presumably

they would have to be changed. In the meantime, many local religious organizations continue to try to seek means of affiliating themselves with centralized organizations or confessions that can meet the 15-year rule and provide a protective legal cover. However, some individual local churches and religious orders, citing their theological and administrative independence, are reluctant to make themselves part of a larger organization. Under the new system, such religious communities face considerable legal disadvantages.

President Yeltsin and other high-ranking officials have stated consistently that the law would be applied in a liberal, tolerant manner, thereby preserving religious freedom and the equality of confessions. They insist that no mainstream religion already operating in the country would see its activities curtailed as a result of the new law. The full effect of the law on minority confessions or religions considered nontraditional is not expected to be clear until after December 31 (the deadline before which organizations registered under the old law are required to obtain new registration). To date no religious organization has ceased operations as a result of the law. Presidential administration officials have established consultative mechanisms to facilitate government interaction with religious communities and to monitor application of the law on religion. However, a federal government agency in the case of at least one religion has been responsible for significant restrictions on the activities of a church. In some areas, foreign Roman Catholic religious workers must return to their home countries every 3 months in order to renew their visas, unlike other foreign workers who can apply for multiple-entry visas or extend their stays.

Despite the Federal Government's efforts to implement the law liberally and to provide assurances that religious freedom would be observed, restrictions continued at the local level. The vagueness of the law and regulations, the contradictions between federal and local law, and varying interpretations furnish regional officials with a pretext to restrict the activities of religious minorities. Discriminatory practices at the local level are attributable to the increased decentralization of power and the relatively greater vulnerability of local governments to lobbying by majority religions, as well as to government inaction and discriminatory attitudes that are widely held in society.

For example, the Moscow directorate of justice continues to refuse registration to Jehovah's Witnesses in Moscow, despite the precedent set by the Ministry of Justice's April 30 decision to reregister Jehovah's Witnesses on the federal level. The directorate has refused three applications for local registration by Moscow Jehovah's Witnesses for unclear reasons. Although there is no legal basis to do so, the directorate may be refusing registration pending resolution of the outstanding civil case against Moscow Jehovah's Witnesses.

At least one religious organization, the "Society of Jesus" (Jesuits), has had difficulty registering at the federal level because its structure does not fit assumptions underpinning the law's provisions.

The Church of Jesus Christ of Latter-Day Saints successfully has registered 20 local religious organizations but continues to encounter some problems. After some initial trouble concerning registration of missionaries residing in the cities of Tolyatti and Novokuybyshevsk in the Samara region, by November the Church was able to agree with the Samara directorate of justice to establish registered local organizations in these cities in order to allow Mormon missionaries to reside there legally.

During the year the directorate of justice in Chelyabinsk rejected the local registration application of the Church of Jesus Christ of Latter-Day Saints several times, based on the alleged incompatibility of church activities with federal law.

Even without registration, the Church continued to hold regular services without incident, although its missionaries have suspended their door-to-door canvassing and other outreach activities. If the Church remains unregistered, its missionaries would be forced to leave the country when their visas expire in December. The directorate of justice also has rejected the registration applications of the Baptist, Adventist, and Pentecostal churches in Chelyabinsk on similar grounds.

Since mid-1998 the Church of Jesus Christ of Latter-Day Saints has been attempting unsuccessfully to be registered locally in Kazan in Tatarstan. At year's end, the Church's most recent application for registration was being reviewed according to regulations set out in Tatarstan's new religion law that was adopted on August 28. Church representatives argue that because their most recent application predated the new law by 2 months, it should not be considered under the new law. Moreover, the Church argues that the republic ministry of justice's previous cancellation of the Church's registration in February also was illegal under the 1997 federal religion law, because a court order is required to liquidate an organization. Tatar authorities failed to address these complaints adequately by year's end.

Although it can be a slow and costly process for religious groups, the judicial system has provided an appeal process for religious organizations threatened with loss of registered status or "liquidation" as a religious organization under Article 14 of the 1997 religion law. Some local churches initially denied local registration have been registered following successful lawsuits, as in the case of the Evangelical Lutheran Mission in Khakasiya in November 1998, when the federal Supreme Court overturned the verdict of the Khakasiya supreme court. In February the supreme court of Khakasiya rejected the regional procurator's request to nullify the registration of the Evangelical Lutheran Mission; the procurator plans to appeal the case. In 1998 a local procuracy opened a civil case against the Word of Life Pentecostal Church in the Far Eastern city of Magadan under Article 14 of the 1997 religion law, accusing the Church of using cult practices to manipulate its members. After a lengthy delay, a Magadan municipal court finally dismissed the case in May due to insufficient evidence, a decision that was upheld in June by the Magadan oblast court. However, the Church fears that the same procuracy soon may try to open a criminal case. The Word of Life Church also won a court battle for reregistration in March. A church member employed by the Government who was threatened with the loss of her job late in 1998 was still at her post as of June. Church officials report that two other church members were fired because of their religion, but such allegations are difficult to prove. Also, tax investigations on two separate charges continue. Church members reported that negative stories about them repeatedly appeared in the local state-controlled press, with no mention of their court victories. Despite these difficulties, the Word of Life Pentecostal Church continues its normal activities.

Since 1994 30 of 89 regional governments have passed restrictive laws and decrees intended to restrict the activities of religious groups. At the time the 1997 religion law was under discussion, its proponents argued that it was necessary in order to deal with the many restrictive local laws. The Federal Government has not challenged effectively the unconstitutionality of these restrictions, although the Presidential Administration sent warnings to 30 regions regarding the unconstitutionality of local laws. Critics contend that the Federal Government should be more active in reversing discriminatory actions taken at the local level and, when necessary, reprimanding the officials at fault. Also according to critics, the federal authorities need to take action to ensure that regional and local legislation or other actions do not contradict constitutional provisions protecting religious freedom. There were reports that some local and municipal governments prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations that do not have their own property effectively have been denied the opportunity to practice their faith in large groups. For example, late in April the Moscow northern district administration gathered theater and assembly hall managers and ordered them to refuse to lease their facilities to Jehovah's Witnesses. In August Jehovah's Witnesses nearly were forced to cancel a convention for 15,000 Witnesses at Moscow's Olympic Stadium, reportedly because stadium management was under pressure from the Moscow city administration. The weekend convention also was disrupted briefly by a telephone bomb threat, but no device was found. Moscow police concluded that the call was a prank, and did not open a criminal investigation. The Open Christianity private ecumenical school was evicted from its premises in St. Petersburg in March after a protracted battle with city officials about rights to the building, registration of the school, and the school's taxes. However, it is not clear that the school's religious orientation was at the root of city administration actions against it, and local government officials tried to relocate the school to an alternative site. In the summer of 1998, local officials in Rostov-on-Don cancelled a rental agreement permitting the Shield of Faith Pentecostal Church to sponsor a Jesus Festival concert in a sports complex. The chairman of the city's Department of Cossacks and Religion refused to permit the event. In June 1998, Canadian evangelist Viktor Hamm of the Billy Graham Evangelical Association cancelled an outdoor preaching event in Voronezh after city authorities denied the local sponsors of the event, the Evangelical Christian-Baptists, permission to hold the event. In August 1998, according to unconfirmed reports from religious press sources, authorities in Kasplya, in Smolensk oblast, closed a Sunday school and prohibited worship services by the Evangelical Christian-Baptists. In September 1998, city authorities required a cinema to cancel its rental agreement with the Shield of Faith congregation. Also in September 1998, the director of the Moscow Technical College ordered guards not to admit an unregistered Baptist congregation onto the premises it had rented. The action allegedly stemmed from an intervention by the Federal Security Service (FSB), according to unconfirmed reports from religious press sources.

Some local executive authorities continued to cite the new law or local laws to obstruct religious groups' activities or to rescind their existing local registrations. In late 1998, according to the United Church, its St. Petersburg branch was denied local registration after a federal court in St. Petersburg started proceedings against the Church.

Reports of harassment and punishment for religious belief or activity continued. Despite legal registration, members of some religions, including Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints, continue to face discrimination in their ability to rent premises and conduct group activities. For example, in March local militia troops broke up services of the Church of Jesus Christ of Latter-Day Saints in Chelyabinsk and interrogated seven missionaries. In April regional officials forbade the Church from holding services on Easter Sunday and threatened the church leader with arrest if he assembled his congregation that day. Nonetheless, the Church held its Easter Sunday services without incident. Mormon missionaries throughout Russia frequently are detained for brief periods or asked by local police to cease their activities, regardless of whether they were actually in violation of local statutes on picketing (see Section 1.d.). In July 1998, according to unconfirmed reports from religious press sources, the mayor of Novokuznetsk in Siberia barred Gideons from distributing New Testaments in schools, although their charter, approved by the Government, states that they may do so. In August and September 1998, local authorities and agents from the FSB reportedly harassed, repeatedly interrogated, and threatened with imprisonment a U.S. missionary from the Baptist Mid-Missions. FSB agents warned members of the autonomous Baptist Church affiliated with Baptist Mid-Missions to stop attending services, according to the Keston News Service.

The country's first judicial proceeding to suspend the operations of an existing religious organization at the local level continues, as Jehovah's Witnesses in Moscow fight to avoid legal "liquidation" under Article 14 of the 1997 religion law. Based on a complaint from the Committee to Save Youth from Totalitarian Cults (a group that reportedly has ties to the Russian Orthodox Church), a Moscow municipal procurator is seeking "liquidation" (i.e., termination of the organization as a legal entity) of the Moscow Jehovah's Witnesses organization under Article 14 of the 1997 religion law for its alleged antisocial, antifamily character. In March the trial was suspended pending review of the case by a panel of court-appointed religious experts. On June 28, the Moscow city court upheld the decision of the Golovinskiy municipal court to appoint an expert panel. The expert panel is reviewing the case but is expected to render a split recommendation. Meanwhile, Jehovah's Witnesses are preparing a Supreme Court appeal.

In March in St. Petersburg, Nataliya Ilyina, the mother of a young mentally disabled woman, brought a second lawsuit against Jehovah's Witnesses in St. Petersburg's Frunzenskiy municipal court. Ilyina alleges that the Church psychologically damaged her daughter, Yekaterina Ilyina. Jehovah's Witnesses lawyer Artur Leontyev said that he believes that the anticult group Committee for Family and Personality and also self-described "sectomania" expert and Moscow psychiatrist Fedor Kondratyev are behind the case. The Committee for Family and Personality filed a lawsuit against the Church in 1997 on the same grounds, but the Frunzenskiy court ruled in April 1998 that the Church had not in any way harmed Yekaterina Ilyina, whose mental disability existed well before she began attending services.

The Khakasiya and Yaroslavl cases form the basis of the constitutional challenge to the law on religion, filed with the Constitutional Court in May 1998 by the NGO, the Institute for Religion and Law. The petition challenges the constitutionality of the law's 15-year requirement and its limitations on the rights and activities of confessions that do not meet that requirement. The Constitutional Court accepted the case for review in November 1998. On November 23, the Constitutional Court upheld the provision of the religion law that requires religious organizations to prove 15 years of existence in the country in order to be registered. However, the Court also ruled that religious organizations that were registered before the passage of the 1997 religion law are not required to prove 15 years' existence in the country in order to be registered. The Court also upheld the right of the Government to place certain limits on the activity of religious groups in the interests of national security.

Human rights activists contend that only 15 percent of actual violations of religious freedom are reported. According to various sources, most citizens, especially those living in the regions, are still skeptical about the protection of religious freedom and are reluctant to assert their rights due to fear of retaliation. Federal authorities did not take sufficient action to reverse discriminatory actions taken at the local level, or to discipline those officials responsible. Federal authorities and Mos-

cow human rights activists often have limited information about what is happening in the regions.

The Vanino Baptist Church and its pastor, Dan Pollard, since March 1998 have fought a lengthy legal battle over registration in the Far Eastern region of Khabarovsk and obtaining the necessary permits for Pollard, or his temporary replacement Arthur Bristol, to remain in the country. Khabarovsk authorities maintained that the Baptist Church did not meet the 1997 religion law's requirement of over 15 years of existence and therefore could not be a sponsoring religious organization. To facilitate reregistration of the Vanino Baptist Church under the 1997 law, the Vanino Baptist Church and its lawyer negotiated an agreement to join the Russian Baptist Union. However, the Church's funding problems, as well as doctrinal differences, ultimately precluded this arrangement. In May Pollard was refused a visa to return to the country. Bristol left in September 1998, reportedly due to harassment, surveillance, and threats.

The Moscow procurator general and approximately 70 members of the FSB, Federal Tax Police, and local police raided two locations of the Church of Scientology in Moscow on February 25. According to church officials, the authorities confiscated documents, including tax records and priest-penitent privileged counseling records. The raids continued over 3 days. The tax police say that they are investigating possible tax evasion and other financial irregularities. Although there were earlier press reports that two church members were beaten, Western diplomats received no confirmation of this incident. On October 6, a Moscow district court revoked the operating license of a social center affiliated with the Church of Scientology because mistakes were made allegedly in the center's license application materials in 1993. Officials for the center acknowledge the mistake, but insist that it was corrected a few years ago; they intend to appeal the decision. The ruling was made under the law on social organizations (not the 1997 religion law) and does not appear to affect directly the functioning of the Church of Scientology. However, church officials believe that the ruling is part of a broader attack on the Church and its activities. The Church of Scientology is seeking to reregister both its social organization and its religious organization.

According to press reports, in April the Stavropol procuracy expelled eight foreign citizens for spreading Islamic fundamentalism, which it labeled "Wahhabism." Most of the expellees reportedly were from Syria.

Property disputes are some of the most frequent complaints cited by religious groups. For the most part synagogues, churches, and mosques have been returned to communities to be used for religious services. The Federal Government has met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. According to statistics from the Ministry of State Property, over 2,000 federally owned properties have been returned to religious communities since 1989. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. One Ministry of Culture official responsible for restitution of religious historical monuments estimated early in the year that over 3,600 transfers of religious buildings had occurred at the regional level, and that approximately 30 percent of property designated for return has been transferred back to its original owners at both the federal and regional levels. Nonetheless, there continue to be reports of religious property that has not been returned. For example, the Church of the Immaculate Conception in Ryazan still has not been returned to the local Catholic community. The Moscow Patriarchate has claimed and taken possession of properties owned by other branches of Orthodoxy and, in certain cases, property of other religions. In some property disputes, religious buildings have been "privatized," and there are long delays in finding new locations for the current occupants, as required by law. Local authorities often refuse to get involved in property disputes, which they contend are between private organizations. Even where state or municipal authorities still have undisputed control of properties, a number of religious communities continue to meet significant obstacles when they request the return of religious buildings or when they seek to acquire land and necessary building permits for new religious structures. Since February local authorities in Omsk have not responded to the Mormons' request to lease land, although local church leaders were continuing their efforts to locate a site.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other sects. The Jewish community, which has met with some success on communal property restitution, faces the same obstacles as other religious communities and has concerns about the return of Torah scrolls, many of which are in state museum collections.

In its preamble (which government officials insist has no legal standing), the 1997 religion law recognizes the "special contribution of Orthodoxy to the history of Rus-

sia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in drafting the 1997 law on religion. It has made special arrangements with government agencies to conduct religious education and to provide spiritual counseling to Russian military service members. These arrangements do not appear to be available to other religions. (In particular, Muslim religious leaders have complained that they are not permitted to minister to Muslim military service members.) The head of the Moscow Patriarchate, the Patriarch of Moscow and all Russia, participates in most high-level official events and appears to have direct access to and influence with officials of the executive branch. The traditional view that Russian soil is an exclusively "Orthodox domain" leads to frequent criticism and intolerance of foreign religious groups that proselytize in the country. Many Orthodox Church officials condemn such "sheep stealing" when practiced by other Christian churches. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects."

The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects." In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 1.c.).

St. Petersburg authorities arbitrarily detained six Scientologists for psychiatric evaluation. In January in St. Petersburg, Vladimir Tretyak, leader of Sentuar (the local branch of the Church of Scientology), was accused by St. Petersburg chief psychiatrist Larisa Rubina of inflicting psychological damage on his coreligionists. Beginning June 17, six members of Sentuar—Mikhail Dvorkin, Igor Zakrayev, Irina Shamarina, Svetlana Kruglova, Svetlana Pastushenkova and Lyudmila Urzhumtseva—were hospitalized forcibly and underwent 3 weeks of criminal psychiatric investigation by order of Boris Larionov, procurator of the Vyborgskiy administrative district of St. Petersburg. In televised remarks, Rubina reported their July 8 release and declared the six mentally competent. Rubina referred to the six as "the accused", despite the fact they were only witnesses in the criminal case against Tretyak.

Although Jews and Muslims continue to encounter prejudice and societal discrimination (see Section 5), they generally have not been inhibited by the authorities in the free practice of their religion. Other religions, including Buddhism and Shamanism, are practiced in specific localities where they are rooted in local traditions.

Following anti-Semitic remarks made by Communist Party leaders in late 1998, President Yeltsin has spoken out repeatedly against anti-Semitic and extremist attitudes. The Presidential Administration, the Government, and, in particular, the Russian media reacted immediately to the Communist Party's expressions of anti-Semitism. Communist Party leaders accused the press of conducting a smear campaign and threatened retribution. A December 16, 1998 presidential statement delivered to the Duma declared that "any attempt to insult ethnic groups, to limit the rights of citizens on the basis of origin, will be stopped in accordance with the Constitution and the laws of the Russian Federation." On December 30, 1998, Yeltsin ordered cabinet officials responsible for law enforcement issues to prepare a comprehensive federal program against political and religious extremism by March 1.

On February 20, during a speech to the "Movement for the Support of the Army" in Novocherkassk, Duma Deputy and retired General Albert Makashov made anti-Semitic remarks, following his notable anti-Semitic statements in the second half of 1998. He reportedly made the comment, among others, that "We will be anti-Semites and must be victorious." Following the speech, the Rostov regional procurator refused to take action against Makashov.

During a March meeting with a delegation from the Anti-Defamation League, then-Prime Minister Primakov publicly promised strong government action and new legislation to combat anti-Semitism and extremism, including new draft legislation. Later that month the Procurator General announced that he would press a criminal case against Makashov for his repeated openly anti-Semitic public remarks. However, Makashov cannot be prosecuted unless the Duma votes to lift his parliamentary immunity. In April the Ministry of Justice concluded that the Communist Party itself did not violate the law, since the statements of its members did not reflect the objectives of the party.

The Federal Government states that it has moved forward on its promised initiatives against extremism and anti-Semitism. In November 1998, the Duma adopted a resolution against public statements damaging to interethnic relations in the country. In March the Government presented to the Duma a draft law on combating political extremism and also is drafting a law on national extremism, although by year's end the Duma did not pass the law. The Duma is considering a draft law forbidding "Nazi symbols and literature." Separately, the Procurator General sent to regional procurators in January instructions to cut off distribution of any literature or printed material depicting Nazi symbols, and a letter describing the Moscow city procurator's experience in combating political extremism. The Government also states that, in implementing the presidential decree on extremism, it conducted interagency consultations, beginning in June and continuing on a quarterly basis, which involve the presidential administration, the judiciary, law enforcement organs, and experts from outside the Government. A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998, and that in 1999 10 were opened by June. Also, the Moscow city duma adopted a law forbidding the distribution and display of Nazi symbols in May, and the Moscow regional duma passed similar legislation in June. However, on September 2 the Nezavisimaya Gazeta newspaper reported that Moscow oblast governor Anatoliy Tyazhlov refused to sign the law, saying that the draft law not only threatened artistic and academic freedom of expression, but also freedom of religion, as swastikas are displayed by some religious groups. Regional duma members are working to redraft the law.

Another prominent public figure who regularly engaged in anti-Semitic remarks was Krasnodar region governor Nikolay Kondratenko. The governor's public speeches in the region often contain crude anti-Semitic remarks and stereotypes and blame Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko has said that the essence of Russian history is the Russian battle against Jewish domination. He has blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality in the country. In addition, there have been credible reports that Kondratenko has urged the firing of Jewish public employees in the region.

A report issued in October 1997 by the human rights group Memorial criticized Krasnodar government officials for "encouraging radical nationalist groups," including the Cossacks, and "indirectly inciting them to violence" against ethnic minority groups in the area. Local government authorities have sanctioned patrols by Cossack paramilitary groups in the name of law enforcement. Such groups are not publicly accountable, and their activities have resulted in abuses (see Section 5).

After his 1996 election, Kondratenko adopted a new regional charter that declares Krasnodar kray the "place of residence for the (ethnic) Russian people." He appointed Cossack "hetman" Vladimir Gromov as deputy governor of the region. In April 1997, Kondratenko and Gromov issued a resolution making Cossack groups subordinate to the regional government instead of to the State, according to the Center for Human Rights Advocacy (see Section 5). The Center reported that President Yeltsin suspended this resolution in September 1997 on the grounds that it was unconstitutional.

Federal and Dagestani authorities stepped up their pressure on what they label as the republic's "Wahhabi" Muslim community. After an incursion on August 7 by Chechen-backed Islamist guerrillas, Dagestan president Magomedali Magomedov declared that his government would take a harder line against "Wahhabism." In September Dagestan's parliament passed legislation that outlawed "Wahhabi" groups and other organizations it considered extremist (see Section 2.b.). The Keston News Service reports that government and religious officials in several Dagestani districts have wrecked conservative Islamic mosques, suppressed religious broadcasts, and harassed local conservative Islamic communities. According to press reports, federal and Dagestani forces have followed up their initial counterinsurgency efforts with attacks on Muslim villages that they consider to be "Wahhabi" and that refuse to register their communities and turn in their weapons.

On February 3, Chechen president Maskhadov declared Shari'a (Islamic law) to be in effect in the republic of Chechnya. Maskhadov signed several decrees stipulating that all local legislation be brought into line with the Koran and Shari'a regulations. Maskhadov ordered the Chechen legislature and the Council of Muftis to draft a Shari'a constitution within 1 month's time. The legislature also was stripped of its legislative functions and on February 10 was replaced with a 34-member shura that has responsibility for "consulting" with the republic's president. The Shura includes several prominent opposition leaders. According to one expert, the Shura created in Chechnya is not a traditional Muslim shura run by religious men,

but instead is a council of military men. Maskhadov's action apparently was a political response to pressure from Islamist rivals (see Sections 1.e. and 3).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continue to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system.

Although citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow it is 24 hours). However, travelers not staying in hotels usually ignore this requirement.

Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence within the country, as well as citizens of former Soviet republics who decide to move to Russia, often face enormous difficulties or simply are not permitted to register in some cities. The United Nations High Commissioner for Refugees (UNHCR) and refugee rights NGO's have cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the least open to migrants. The UNHCR reports that the cost of registration is no longer prohibitive. Permanent registration costs only $0.30 (8 rubles). Temporary registration is available for periods ranging from 45 days to 6 months and costs $0.16 (4 rubles and 18 kopeks) regardless of the length of stay.

While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, unregistered persons, migrants, and asylum seekers frequently are denied these services.

The Government and residents of Moscow and other large cities defend registration as necessary in order to control crime, to keep crowded urban areas from attracting even more inhabitants, and to gain revenue.

The city of Moscow frequently is cited by NGO's for violating the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum.

Mayor Luzhkov has been quoted in the past as calling for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON units, conduct frequent document checks, particularly of persons who are dark-skinned or who appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police have fined unregistered persons in excess of legal requirements and have not provided proper documentation of the fine. According to Human Rights Watch, it is not unusual for darker-skinned persons to be stopped at random and for officers to solicit bribes from those without residence permits.

Mayor Luzhkov signed a resolution in 1996 ordering the deportation of all unregistered persons living in Moscow back to the place where they last were registered to live. Estimates on the number of unregistered persons living in Moscow range from 300,000 to 1.5 million (Moscow has 8.7 million registered residents.) Moscow city authorities have released no figures on the number of individuals who have departed "voluntarily" from Moscow but readily admit that some 20,000 to 25,000 annually are deported against their will. This procedure consists of being taken to special shelters, checked for criminal records, then escorted 100 to 150 kilometers out of town. The authorities complain that these deportations are only temporary measures because deportees steadily find their way back to Moscow. At year's end, the resolution was still in effect, and the practice, which police reportedly use to extort money, continues.

In connection with the bomb explosions in August and September, which Moscow officials attributed to terrorists from the Northern Caucasus, Mayor Luzhkov issued an ordinance on September 13 requiring all temporary residents in Moscow since January 1 to reregister within 3 days with the Ministry of Internal Affairs. Reportedly 74,000 temporary residents sought reregistration, of whom approximately 15,500 persons were refused. In order to reregister, residents had to demonstrate a legitimate place of work, payment of city taxes, and a legal place of residence. Moscow authorities also restricted the arrival of new residents to the city and increased road checks and checks in train stations and marketplaces for these new arrivals. Law enforcement officials conducted searches of 26,500 apartments, 180

hotels, 415 guest houses, and 548 nightclubs and cafes. Human rights NGO's claim that authorities detained some 2,000 persons and expelled some 500 from Moscow (See Section 1.d.).

In August the press reported the story of an amputee named Yuriy Polyakov, who, along with 14 other homeless men, was rounded up by Moscow police and dropped off outside the city limits at the town dump. One homeless man died as he tried to return to Moscow. Polyakov, who has no legs, attempted to drag himself to the nearest train station and was later hospitalized with infected leg stumps. A municipal procurator and the police reportedly are reviewing the incident to determine whether charges should be pressed against the officers involved. Doctors Without Borders blamed the incident on Luzhkov's 1996 resolution.

Similar complaints were made in St. Petersburg during the year. NGO's estimate that the number of homeless persons in St. Petersburg is anywhere from 12,000 to 3 times that number. The city offers few services and little support for the homeless, although a 70-bed shelter is planned. Press reports have claimed since the summer of 1998 that city police, acting on orders from governor Yakovlev, have been rounding up homeless persons from train stations, taking them outside the city limits, and abandoning them in remote, forested areas.

According to press reports, in Krasnoyarsk law enforcement officials began stricter enforcement of passport and visa regulation after violence broke out between two Azerbaijani groups in April. The authorities detained some 400 persons, and of the group, 40 were arrested for violations of passport regulations. The Moscow Helskinki Group's (MHG) human rights report, which was published in September, highlighted restrictions placed by the authorities on Meskheti Turks. During 1989–90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remain in the Russian Federation. More than 13,000 of them settled in Krasnodar kray, and approximately 700 settled in the Kabardino-Balkarian republic. Authorities in both regions have denied the Meskhetians recognition of their Russian Federation citizenship. According to the provisions of the Constitution, all Meskhetians who were residing in the country at the time of the collapse of the Soviet Union are entitled to citizenship. In violation of the Constitution, authorities in Krasnodar kray and the Karbardino-Balkarian republic deny the Meskhetians the right to register, and this denial deprives them of all rights of citizenship. According to press reports, the 13,000 Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions, for example, having to register as a "guest" every 45 days at a cost of $12 (180 rubles) or to pay a $27 (400 ruble) fine every time that they are stopped by local police officers and Cossack irregulars. According to the MHG, in May 1998 Krasnodar kray authorities initiated an attempt to compel Meskhetians to emigrate to Turkey. By September 1998, it was believed that almost 90 families left the region for Turkey.

In February 1998, the Constitutional Court again addressed the issue, declaring unconstitutional the most restrictive aspects of the propiska system. It ruled that a city may only "certify the act of the free expression of the will of a citizen" to live there. The city could not "grant permission" or limit where persons choose to live, nor could it dictate how long a person could live in a particular place. However, Moscow mayor Luzhkov stated in a March 1998 television interview that he was refusing to implement the Court's decision. He announced that he had instructed the city's police to continue to enforce the old registration regulations.

Luzhkov's actions were clearly illegal, as the Constitution states that the Constitutional Court's rulings are final and mandatory for all state officials. In July 1998, the Supreme Court made a ruling that repealed both temporary and permanent residence permits. Nevertheless, Moscow city authorities have made clear their intention to oppose the ruling and, by the end of 1998, seemed to have persuaded the Federal Government that Moscow merits an exception to such decrees. The federal authorities have demonstrated little enthusiasm for enforcing the court rulings. However, the Moscow city regulations have had little if any impact on the numbers of such persons in Moscow.

Despite constitutional rulings, many local governments have been resistant and continue to enact regulations that introduce additional registration requirements. For example, the city of Moscow has shown a high level of inventiveness in circumventing Constitutional Court rulings. Following a February 2, 1998 ruling, the city enacted rules that would not allow officials to refuse citizen registration. However, the new rules retain a feature that ties registration to the size of housing and requires the consent of all those registered in an apartment or house. Basically, as during the Soviet period, only members of the owner's family can move in. Without consent the application would not be considered complete. It would not be refused,

nor would it be accepted. Other large cities facing high population influx and migrant pressures retain similar restrictive regimes.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average, it takes 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal principles regarding emigration procedures were codified formally in the August 1996 law on exit from and entry into the country. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)—essentially a propiska for those living outside the country. The law required the Ministry of Internal Affairs, through its Office of Visas and Registration (OVIR), to establish regulations for eliminating this practice within 6 months of the passage of the law. However, as of September, implementation of the law (which was to go into effect early in 1997) is still incomplete: according to the International Organization for Migration (IOM), border guards continue to require a PMZh-like stamp of all emigrants, and the passport control agency OVIR continues to issue it.

Another feature of the law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor arbitrary and excessive powers on the part of the Government to restrict foreign travel. However, there were no reports that the provision was applied in a restrictive manner.

If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission chaired by the First Deputy Foreign Minister (until his promotion in September 1998 to Foreign Minister, this was Igor Ivanov—hence the commission commonly is referred to as "the Ivanov Commission"). The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. Since it was established in 1994, the Ivanov Commission has granted travel permission to approximately 90 percent of appellants.

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, has been eliminated except for court-ordered obligations, such as alimony payments. In May the Ministry of Foreign Affairs annulled the passport of former Procurator General Skuratov for technical reasons, according to press reports. During the year, Skuratov was engaged in an extended battle with the Presidential Administration over allegations of corruption in the administration. According to officials in the Ministry of Internal Affairs visa department, legislation on restricting the right to leave the country does not apply to Skuratov because he is only a witness and was not formally charged or arrested himself.

Emigrants who have resettled permanently abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country (though they may enter without difficulty), as they could present neither a nonimmigrant visa to another country nor evidence of permission to reside legally abroad.

The Supreme Court in August 1998 overturned two Soviet-era regulations that limited the movement of foreigners within the country. The Court stated that foreigners no longer have to notify police before traveling to another part of the country. In addition, the Court ruled that organizations and private citizens no longer have to report the visits of traveling foreigners. However, the Court left standing the threat of deportations for foreigners who violate registration regulations. Starting in October 1998, the Foreign Ministry no longer required that Russian visas list the cities that foreigners are allowed to visit, and this change has been implemented

in practice. President Yeltsin had signed a decree in 1997 that permitted foreigners to move freely around the country regardless of which cities were listed on their visas. However, a few local officials continued to enforce the visa limitation, sometimes denying entrance to foreigners—including missionaries—they considered undesirable. The Federal Government at times intervenes in cases of local noncompliance but only on a case-by-case basis.

Ingush president Ruslan Aushev issued an official protest early in July on behalf of ethnic Ingush refugees trying to return to the Prigorodnyy district of North Ossetia. Up to 70,000 Ingush refugees fled the Prigorodnyy and Vladikavkaz areas in 1992, when inter-ethnic fighting broke out between Ossetian and Ingush inhabitants. According to Russian media reports, just over 10,000 of the refugees have been able to return so far. According to a June report by the Ingush branch of the human rights group Memorial, ethnic Ingush refugees have faced systematic harassment while trying to return to the Prigorodnyy district (see Section 1.c.).

The Government's indiscriminate use of force in Chechnya resulted in a very large number of internally displaced persons. Up to 200,000 persons were displaced, the vast majority of whom sought refuge in Ingushetiya (see Section 1.g.). By year's end, the Government with the assistance of international organizations appeared to have provided for most of the basic needs of internally displaced persons in Ingushetiya.

At various points during the conflict in Chechnya during the fall, authorities restricted the movement of refugees fleeing Chechnya. In late October human rights groups reported that IDP's from Chechnya were not being permitted to move from Ingushetiya to North Ossetia. According to the Russian press, some displaced persons were being transported by bus back to parts of Chechnya that were under Russian government control. On November 3, Russian forces opened a crossing on the Chechnya-Ingushetiya border and allowed approximately 3,500 persons to enter. Thousands of refugees had been stranded for more than 1 week at the border, where reportedly a line of refugees stretched almost 12 miles. Refugees at the border had been living in the open, often without access to food or water (see Section 1.g.).

Human rights NGO's and press organizations reported in mid-December that federal and republic authorities were pressuring refugees to return from Ingushetiya to Chechnya. According to these reports, government officials singled out persons from Chechen towns and districts that were designated as "safe" by the Government. According to some accounts, refugee camp administrators announced that persons from these areas would no longer receive food rations. Human rights NGO observers and refugees reported that government authorities without warning moved up to 40 train wagons that were housing refugees from the Sputnik camp in Ingushetiya to the Chechen town of Sernovodsk on December 17 and 18. After international criticism of these actions, government officials publicly said that they would not pressure or compel refugees to return to Chechnya. At the same time, authorities consistently announced their determination to repatriate all refugees back to Chechnya as soon as possible.

The Government cooperates to a limited extent with the UNHCR and the IOM. Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. As of July 31, the UNHCR had registered 36,000 asylum seekers who originated from outside the territories of the former Soviet Union (1,163 were registered in the period from January 1 to July 31). The UNHCR estimates that only 13,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either have integrated into Russian society, left the country, or have been resettled or repatriated.

According to the UNHCR, as of the end of October, the Government had granted since 1993 refugee status to only 491 persons from outside the former Soviet Union (including the Baltic states); all but 17 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union (mainly ethnic Russians) who were granted refugee status by the Federal Migration Service (FMS) is 98,188. The Government acts more expeditiously for the latter group and applies a more lenient standard.

In July 1997, President Yeltsin signed the federal law Concerning Changes and Additions to the Law of the Russian Federation Concerning Refugees. This law offers substantially fewer benefits to refugees than the original 1993 law it replaced. The earlier law's fairly generous commitments of integration and social assistance for refugees had been cited by some observers as discouraging the FMS, which has few resources to meet this obligation, from adjudicating the cases of asylum seekers. With the passage of the new law, the FMS had been expected to expedite its procedures for adjudicating asylum claims. However, this did not occur. In the first 8 months of the year, the FMS recognized 68 asylum seekers from countries outside the former Soviet Union; all but 2 of these persons were from Afghanistan. The

UNHCR reported that the FMS still was declining to grant refugee status to qualified individuals, based on its decision that such persons were not refugees. However, the FMS decision making process is considered to be flawed by many NGO's, and UNHCR officials consider many of those refused to be in fact refugees.

Despite some progress by the regional branches of the FMS in adjudicating nonformer Soviet Union asylum claims, there are still major concerns about the ability and willingness of the Moscow office to process asylum seekers from outside the former Soviet Union. Human rights organizations claim that this lack of progress is part of intentional efforts by the authorities to rid the city of foreign asylum seekers. Local legislation in Moscow, St. Petersburg, Rostov, and other major population centers prohibits the settlement of refugees within these cities.

According to the NGO Civil Assistance Committee, involuntarily displaced persons and asylum seekers suffer the greatest difficulties in cities with restrictive registration regulations. Their migrant registration documents generally are not recognized by the MVD officials who control registration. They often are subject to harassment, unauthorized detention, and the payment of bribes.

There were unconfirmed reports that the FMS has attempted to have asylum seekers unwittingly sign an "application form", supposedly to extend the validity of their registration documents but which instead renounces their claims for asylum in the country.

A large number of workers and students from Africa and Asia, who came to work or study in accordance with treaties between their countries and the former Soviet Union, remain in the country. The Government has not deported them but encourages their return home. Their numbers have increased in recent years due to the recent arrival of persons seeking refugee status.

The UNHCR and Amnesty International are working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. Part of the problem is widespread ignorance of refugee law. To remedy this problem, FMS officials, lawyers, and judges also are participating in training sponsored by the UNHCR, the European Union's Technical Assistance for the Commonwealth of Independent States program, and the Council of Europe. However, according to the UNHCR, the Government lacks the political will to grant refugee status and provide a durable solution for asylum seekers.

The situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 Airport continues to be of major concern to the UNHCR. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger announces that he or she wants asylum, Aeroflot gives out telephone numbers for the FMS and the UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there are also no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia, but not if returned to the country of origin.) Human rights organizations allege that Aeroflot deports hundreds of asylum seekers. Until December 1998, the FMS Point of Immigration Control (PIC), whose officials are responsible for processing requests for refugee status, was located outside of the transit zone, where asylum seekers were unable to reach it. The PIC now has a fully-equipped office inside the transit zone, which UNHCR staff also are permitted to use.

The PIC interviews almost exclusively persons referred to it by the UNHCR. According to the UNHCR, the process is not fair or effective; as of the end of 1998, the PIC had not yet rendered any decisions in favor of asylum seekers. As of late 1998, 82 percent of asylum seekers who managed to contact the UNHCR were deported before the FMS made a determination of refugee status. The actual number of deportees is presumed to be higher, as many asylum seekers did not have an opportunity to contact either the FMS or the UNHCR.

Treatment of asylum seekers in the transit zone can be harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely release passengers from the transit zone, unless there is a medical emergency. The UNHCR documented one case in early 1998 in which a woman and a baby, who nearly died, were hospitalized after their second month spent sleeping on the floor of the poorly-heated transit zone. The UNHCR was prohibited access to the transit hotel until May 1997 and was allowed

only one subsequent visit. The UNHCR reports that up to 28 passengers are detained in 9 rooms behind an iron door and barred windows. The average stay in the transit hotel is 2 weeks.

In 1998 and 1999, the UNHCR continued to have occasional problems obtaining access to visit asylum seekers in the airport's transit zone, and, with the exception of two visits, was denied regular access to the transit hotel. Access to transit hotel passengers often is granted to the UNHCR only hours before deportation, which does not give the UNHCR or the FMS an adequate opportunity to assess the case.

Armenians evacuated from Baku in the wake of late 1980's ethnic violence are recognized as refugees, although their credentials require annual renewal. The vast majority of those evacuated either have emigrated from Russia or found some way to live in the country. However, a group of about 1,400 to 2,000 still are housed in the "temporary quarters" assigned after the evacuation, usually in Moscow hotels or workers' dormitories in the greater Moscow area. They are unable to return to Azerbaijan and are not accepted by Armenia. Since they lack residency permits for Moscow, they cannot apply legally for work and effectively are denied the ability to register their children for public schooling. They have been invited to apply for Russian citizenship, which would entitle them to the benefits accorded to Russian forced migrants, but representatives of the community have stated that they do not believe such a step would improve their situation materially (although such a step would allow them to establish legal residence, seek work, and apply for benefits such as foreign travel passports). They also have rejected offers of relocation to other regions of the country, because they allege that the alternative residences that they are offered frequently are not habitable, still are occupied by others, or simply do not exist. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized and the new owners exert financial and other pressure on them to depart. A number of eviction orders already have been served in such cases. The courts are required legally to appoint a new residence, but have been uneven in meeting this requirement. According to Human Rights Watch, on August 24, representatives of the Baku Armenian community met with FMS Director Vladimir Kalamanov, who promised that they would be issued residence permits and apartments within 3 months. Activists and refugees were unanimously skeptical of this promise. In an August 31 follow-up meeting, the FMS agreed to explore housing options with the mayor's office.

The Constitution states that the Russian Federation does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for actions (or inaction) that are not considered a crime in the Russian Federation. However, according to press reports and the UNHCR, in December the Government deported seven North Korean refugees to China, in an apparent violation of the Refugee Convention. The Government of China reportedly returned the seven to North Korea. Moreover, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

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 exercise this right in practice.

The Federal Assembly is composed of two chambers. The lower chamber, the State Duma, consists of 450 deputies, half elected in single-mandate constituencies, half by party lists. Approximately 26 political parties and movements participated in the December 19 Duma elections. The upper chamber, the Federation Council, has 178 members—the 89 chief executives of regional administrations and the 89 chairpersons of regional legislatures, all of whom are elected. Regional parliamentary speakers are elected popularly to their seats, then elected to the speakership by their colleagues. The Constitution provides the President and the Prime Minister with substantial powers, which they used to dominate most areas of administration and day-to-day policy making and to limit the independence of the judicial branch. However, the opposition of a majority in the Duma has checked administration initiatives in a number of areas, including basic changes in property ownership and legal reform.

A democratic election for the President of the Russian Federation took place in 1996 for the first time in the history of Russia as an independent state. President Yeltsin was reelected in a generally free and fair election. Presidential elections are scheduled for March 2000, as a result of President Yeltsin's December 31 resignation.

On March 30, President Yeltsin signed the law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal law on public associations. These amendments clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot, such as financial deposits and other financial penalties, alongside signature-collection provisions; increase the level of information available to voters about candidates' financial and criminal history; introduce provisions allowing multicandidate constituencies; and add other provisions affecting federal-level and regional-level elections and referendums. Despite stricter rules regarding financing and reporting, the new law did not diminish the importance of money in the December Duma elections.

Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian Federation. The regionally oriented Federation Council continued to express its dislike for the level of detail in the law, but its veto was overridden by the State Duma in September 1997. In June 1998, the Constitutional Court ruled against a complaint brought by the Federation Council that alleged that the Voting Rights Act contradicts the Federal Constitution by not allowing the regions the right to adapt electoral procedures unique to their situations. The Constitutional Court also is expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

Human Rights Ombudsman Mironov's office set up a working group to monitor electoral rights violations as the Central Electoral Commission prepared for the December Duma elections. In August Mironov called for legislation to increase the transparency of elections funding.

In elections that were judged by international observers largely to be free and fair, a more centrist-leaning Duma was elected on December 19. According to the Central Electoral Commission (CEC), the Communist Party won 24.3 percent of the federal party list votes, the Unity movement aligned with the Presidential Administration won 23.3 percent, Fatherland-All-Russia won 13.3 percent, the Union of Right Forces aligned with the Presidential Administration won 8.5 percent, Vladimir Zhirinovskiy's bloc won 5.8 percent, and the Yabloko party won 5.9 percent of the vote. Many observers pointed to problems with biased media coverage of the election campaign. Paid political advertising in newspapers often is disguised as legitimate news stories. Campaigns pay under the table for stories favorable to their candidate, which allows the campaigns to bypass limits on campaign spending. In the fall, media outlets linked to the Presidential Administration launched an effective "media war" against the Fatherland-All-Russia (OVR) party led by Moscow Mayor Luzhkov and former Prime Minister Primakov. The ORT and the RTR news programs were filled with negative stories about the OVR, which by late October resulted in lower popular support for the OVR and Luzhkov, according to opinion polls. The rival NTV network broadcast frequent counterattacks against the Presidential Administration. In late November, the Bashkortostan duma moved to block Sunday evening news analysis programs broadcast by the ORT and the RTR due to their strong bias in favor of the Presidential Administration. However, Bashkortostan president Murtaza Rakhimov met a few days later with Prime Minister Putin and agreed to resume broadcasting the news programs (see Section 2.a.).

The campaign was marred by instances of anti-Semitic rhetoric. In an August 2 debate between Leningrad oblast legislative assembly candidates in St. Petersburg, Vasily Terenyev, chairman of the anti-Communist Pro-Workers' Party, blamed "Zionists" for the loss of the Soviet Union's former republics and current secessionist tendencies, and Aleksandr Vtulkin, chairman of the local Russian National Unity branch, argued that "Jewish bureaucrats" in St. Petersburg would destroy the Leningrad oblast economy if the two entities were reintegrated.

In early October, the CEC disqualified two of the top three candidates on the party list of Vladimir Zhirinovskiy's Liberal Democratic Party of Russia (LDPR) for failing to list all the vehicles and property they own. This action voided the entire LDPR list and made it ineligible to participate in the Duma elections. However, later that month Zhirinovskiy formed a new party bloc with two minor parties in order to qualify to compete in the elections, and the new party list did not include some of the most controversial LDPR candidates. On November 13, a Moscow district court invalidated the registration of the Spas, a party bloc led by Russian Na-

tional Unity leader Aleksandr Barkashov. The court based its decision on a Ministry of Justice review of the Spas's registration materials, which found inaccuracies and false statements.

Elections to local and regional offices continue to be marred in some cases by interference from federal authorities and less than democratic practices by incumbent governors. For example, April-May presidential elections in the republic of Karachayevo-Cherkesiya (in the Northern Caucasus) sparked intense controversy. In the region's first presidential elections in post-Soviet history, former commander in chief of ground forces and ethnic Karachay Vladimir Semenev received 18 percent in the first round of voting and between 75 and 80 percent in the second round. Stanislav Derev, an ethnic Cherkesiyan and the expected winner, received 40 percent in the first round but less than 20 percent in the second round. According to press reports, voting irregularities that primarily affected ethnic Cherkesiyans prevented up to one-third of the electorate from casting their ballots in the second round. The local electoral commission reported that it received 1,527 complaints of voting irregularities. The Russian press reported several arson and grenade attacks against staff members of both candidates before the run-off elections. The Karachayevo-Cherkesiya supreme court ruled on August 27 that the election results were valid, sparking public protests in the region's capital of Cherkessk, which now threaten the region's territorial integrity. As a result of clashes on September 4 between supporters of the rival leaders, eight persons were wounded and one died later as a result of injuries. On September 14, president Vladimir Semenev was inaugurated despite massive protests in previous weeks. On October 22, the Supreme Court found the second round election results to be valid (see Sections 1.c. and 5).

Another seriously flawed election was held in Dagestan on March 7. Although the law requires republic and local officials to take a leave of absence from their jobs while campaigning for a seat in the legislature, two-thirds of the over 400 candidates in Dagestan's legislative election violated that law. The legislature they sought to replace included 35 members who were convicted criminals and 5 who are under investigation. The campaign finance laws in Dagestan also were circumvented by many candidates who felt that the legal spending limits were too low (approximately $200, or 5,200 rubles). Candidates paved roads and fixed apartment building entryways with personal funds but were not disqualified. Candidates also avoided spending limits by failing to label widely distributed campaign materials. Most opposition candidates were denied registration for the elections. Although two candidates were able to win registration by appealing to the local courts, many candidates were told that the signatures in support of their candidacy were forged.

There were reports of politically motivated violence elsewhere the country. In St. Petersburg on July 22, LDPR supporter Viktor Yashin was robbed. According to Yashin, the robbers took from his car a suitcase with lists of voters' signatures for Yuriy Kuznetsov, a gubernatorial candidate in Leningrad oblast. Kuznetsov is also a member of the LDPR and a state duma deputy. The electoral commission of Leningrad oblast registered Kuznetsov as a gubernatorial candidate on August 13. Anatoliy Yezhelev, former president of the St. Petersburg Union of Journalists, was assaulted on June 15 in Vsevolozhsk. Yezhelev, age 64, spent 3 weeks in the hospital. Both Yezhelev and police authorities link the assault with Yezhelev's participation in the electoral campaign of Vadim Gustov, one of the two most popular gubernatorial candidates in Leningrad oblast. Currently Yezhelev continues his work in the electoral headquarters of Vadim Gustov. In early October, two activists for Sergey Stepashin's campaign were assaulted, although they did not require hospitalization. In mid-December a campaign worker for former St. Petersburg mayor Anatoliy Sobchak was assaulted and killed.

On February 3, Chechen Republic president Maskhadov suspended constitutional law and declared a state of Islamic Shari'a law in the region. According to press reports, a shura (council) of prominent figures came into being on February 10 to help oversee Shari'a law. In the process, the Maskhadov government stripped the region's legislature of most of its responsibilities and abolished the region's vice presidency. On February 10, the legislature was replaced with a 34-member shura that has responsibility for "consulting" with the republic's president. The Shura includes several prominent opposition leaders. According to one expert, the Shura created in Chechnya is not a traditional Muslim shura run by religious men, but instead is a council of military men. However, on July 12 the Chechen government announced the formation of a national council to include president Maskhadov and his rival field commanders. The statement did not explain the council's role or specify its relationship to the Shura, to which Maskhadov and his rivals also belong and which has never met. Also in July, Chechen officials criticized remarks that Russian authorities made asserting that Duma elections would be held in Chechnya.

Chechen officials contended that the republic would not participate in the December Duma elections.

Women are underrepresented in government and politics. In the December elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies in the Duma elected in 1995.

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

Many domestic and international human rights groups operate freely. Most groups investigated and publicly commented on human rights issues, generally doing so without government interference or restrictions. However, some local officials harassed human rights monitors, going so far as to arrest and convict them (see Section 1.d.). In 1998 Human Rights Watch repeatedly criticized the Procurator General's response to these incidents. With a few notable exceptions, human rights monitors have worked mostly unhindered by authorities in recent years. No new cases of arrests or harassment of human rights activists by authorities were reported in the first half of the year. Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Moscow Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Soldiers' Mothers' Committee, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees, such as the draft law on community monitoring of prison conditions, which passed its first Duma reading in June. Also, the prominent human rights organization, Memorial, was expected to play a significant role in elections monitoring.

Various types of regionally-based human rights groups are being established. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, but according to Memorial these are growing in number. These groups include "generalist" organizations that cover the range of human rights issues and "specialist" organizations that cover only one issue. Public legal centers have been formed, due to the critical lack of legal advice that is available to the general public. These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work have become even scarcer after 1998 financial crisis, threatening the work of activists.

Regional groups, which generally receive little if any international support or attention, reported that local authorities have obstructed their work and that law enforcement officers have begun criminal investigations based on fabricated charges against certain regional human rights groups' leaders (see Section 1.d.). With these exceptions, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Regional human rights advocates have been charged with such offenses as libel, contempt of court, and interference in judicial proceedings, along with other crimes, in cases with distinct political overtones (see Section 1.d.). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

The importation of copies of the NGO report "Russia's Northern Fleet: Sources of Radioactive Contamination," authored in part by former naval Captain Aleksandr Nikitin (see Section 1.d.), still is blocked by the FSB. Although the Bellona Foundation received some reports from St. Petersburg and Moscow that users had difficulty accessing the Foundation's website, it appears that Russian, English, and Norwegian versions of the 1996 report on the contamination by the Northern Fleet are accessible through Russian internet service providers. Bellona Foundation employees no longer experience difficulties when applying for visas to enter the country.

Because of the risk of kidnaping and other criminal attacks (see Section 1.b.), NGO's largely have withdrawn from Chechnya since the murder of six ICRC personnel in 1996. Chechen authorities generally have discouraged NGO's from returning to Chechnya, although the motive for such discouragement appears to be based more on security concerns than unwillingness to submit to nongovernmental human rights monitoring.

The Government's human rights institutions lack independence but appear to be making serious efforts to promote human rights. The President's Human Rights

Commission, now composed primarily of government officials (unlike the 1993–96 commission under Sergey Kovalev, which included a large number of human rights activists), appeared largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. Commission chair Vladimir Kartashkin has indicated to the press that his role is mainly consultative and investigatory, without powers of enforcement. Although the Commission examined and was often critical of the Government on various issues during the year, its work does not appear to have delivered concrete results. On the other hand, the office of the Russian Federation Human Rights Ombudsman appears to be working actively to develop its authority and public profile, which may enable it to promote human rights effectively. Implementing a March 1997 law establishing the position of a human rights ombudsman, after a lengthy delay, the Duma selected Communist Duma Deputy Oleg Mironov on May 22, 1998, who in accordance with the law resigned from both the Party and the Duma after the vote. During the year, Ombudsman Mironov worked diligently to become an increasingly high-profile government spokesman on human rights issues, despite earlier criticism by human rights activists due to his lack of human rights expertise. Although in 1998 his comments to the press tended to focus on violations of socioeconomic rights, such as wage arrears, he has criticized publicly anti-Semitic incidents, called for government protection against "racism, xenophobia, and anti-Semitism," criticized violence and religious intolerance in Dagestan, and called for strengthened legislation on campaign funding. In a March open letter, Mironov proposed amendments to the 1997 religion law to bring it into compliance with international norms for religious freedom. Mironov's office has grown to over 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses. Based on information available at this time, the effectiveness of Mironov's office in assisting individual victims cannot be assessed accurately. However, Mironov continues to expand the scope of his activities, attempting to promote broader compliance with international human rights standards. During the summer, Mironov established a department of human rights education within his office. The staff of six, headed by Anatoliy Azarov (a former director of the Moscow School of Human Rights), is planning to develop guidelines and materials for teaching human rights to the public. The office reportedly has plans to establish a section on religious freedom. In August Mironov announced a new annual prize for recognition of outstanding contributions in the field of human rights, the recipient of which would be selected by a commission composed of established human rights activists, academics, scientists, and government officials. Mironov's office also has set up a working group to monitor violations of electoral rights.

In 1996 President Yeltsin signed a decree entitled, On Certain Measures of State Support for the Human Rights Movement in the Russian Federation, which called for a high degree of coordination between federal structures and the human rights community. Specific measures laid out in the decree included the creation of three entities: An interregional human rights center to coordinate human rights activities; a human rights training center; and a center to publish human rights literature. In addition, regional administrations were instructed to establish bodies analogous to the federal Human Rights Commission. Progress on establishing the bodies has been slow, and there were some reversals during the year. In direct contravention of the 1996 presidential decree, new governors elected in Pskov, Irkutsk, and Chelyabinsk abolished the commissions that had been working effectively in their regions. By September 1998, there were 58 commissions, compared with 66 in 1997. Of those, only 8 to 10 are working effectively, according to the Moscow Helsinki Group, compared with 12 effective commissions in 1997.

In 1996 President Yeltsin established by decree a Political Consultative Council (PCC) with 12 standing chambers to assist in the creation of a legal framework for economic and political reforms. It includes a human rights chamber, headed by Duma Deputy Valeriy Borshchev, and a legal chamber, headed by Boris Zolotukhin, a former Duma Deputy. The PCC meets monthly. The Human Rights Chamber includes representatives of the various Duma factions as well as 10 members of the human rights NGO community. The Chamber has held hearings on issues such as conditions in the nation's prisons, the situation of refugees, and freedom of conscience. The Chamber's hearings on a variety of areas involving human rights have given greater public exposure to such problems. However, human rights organizations criticize the Government for being unresponsive to the Chamber's recommendations. NGO's point out that the Chamber itself has not been responsible for any significant human rights improvements or legislation.

Citizens also can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations. The ECHR only can consider cases based on events that occurred after Russia's May 5, 1998 accession to the Council of Europe. Complainants first must exhaust all appeals in Russian courts before they can turn to the European Court. Human Rights Ombudsman Mironov announced in June that the Government submitted a list of three candidates for the Russian judge in Strasbourg. The new judge was elected in September. Various sources reported that the ECHR has received at least 2,000 complaints from Russians, none of which have been scheduled for a hearing because of the absence of a Russian judge. However, observers familiar with human rights law point out that a large percentage of these cases are expected to be rejected because the plaintiffs have not yet exhausted all their legal options in Russia.

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

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances. However, both official and societal discrimination still exist.

There were credible reports that homosexuals were attacked or killed because of their sexual orientation. According to the editor of a magazine for gays, most gays are reluctant to report crimes against them to the police because they expect at best indifference or at worst harassment. Although the press rarely reports crimes against gays, in one rare exception, an August Kommersant Daily article referred without providing details to the murder of seven gay men in Chelyabinsk in 1998.

Women.—Domestic violence remains a major problem, as victims rarely have recourse to protection from the authorities. Police frequently are reluctant or even unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem that remains is that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family.

According to a December 1997 Human Rights Watch report, the Government reported that almost 11,000 women reported rape or attempted rape in 1996. In September 1998, a Human Rights Watch Europe researcher for women's rights estimated that only 5 to 10 percent of rapes are reported to police. Human Rights Watch further reported that Yekaterina Lakhova, President Yeltsin's then-adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, Human Rights Watch notes that these statistics underestimate the extent of the problem, due to underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

There is a general lack of understanding of this issue in the legal community and there is no legal definition of domestic violence. Some forms of battering are addressed in the new Criminal Code but are defined too narrowly to apply to most cases. There is also a lack of national political will to consider these issues seriously. Thus far more than four dozen renditions of a national civil law to address domestic violence have failed to make any progress through the Duma.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the details of a sexual assault, fearing that they may be required to spend long periods in court. While noting that the Government had begun to address the seriousness of the problem of violence against women, the 1997 Human Rights Watch report criticized the Government for failing to afford victims of violence "the protection of the law." The report also criticized law enforcement officials for not ensuring effectively that incidents of violence against women are investigated and prosecuted and for sometimes obstructing their investigation and prosecution. The report further noted that the discrepancy "between the law as written and the law as applied" demonstrated the Government's "failure to fulfill its international human rights obligations." The report also criticized the Duma for its "seriously flawed" drafting of a law on family violence. It noted that many women's groups had faced considerable difficulty in gaining access to and commenting on drafts of the law. At year's end, there were about 40 women's crisis centers in the country, all founded within the last few years, and their number is growing.

In October 1998, the Government cosponsored an international conference on domestic violence against women, the first conference on this subject in the country.

Conference participants discussed the root causes of domestic violence and cooperation among NGO's, academics, and government officials to address the problem.

Particularly because of lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Reliable statistics on the number of women involved are difficult to obtain (see Section 6.f.).

Despite serious problems and difficulties in addressing these issues, many effective projects are underway. Crisis centers have formed an association in order to coordinate their efforts better. They have chosen Marina Pisklakova, the Director of the crisis center ANNA, as President. The association held its first national conference on September 23–25 in Moscow. Due to successful collaboration for the October 1998 joint conference in Moscow, nongovernmental work in the area is recognized and supported by several government entities.

Women have reported sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no."

There is credible evidence that women encounter considerable discrimination in employment. At a 1996 Duma-sponsored roundtable, representatives of 53 women's associations appealed to the Duma to improve the legal status of women by creating a council to assess all draft legislation to ensure that it provides for equal opportunities for women and men. In their appeal to the Duma, the women's associations' representatives raised their concerns that women form a disproportionately high percentage of the officially registered unemployed, that women are discriminated against in hiring and firing, that the differences between the salaries of men and women had increased sharply, and that few women attain senior positions. Conditions have not improved significantly since the hearings were held.

Human Rights Watch in a December 1996 report accused the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women. Employers prefer to hire men, thereby saving on maternity and child care costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. In 1996 a change in the Labor Code prohibited women between the ages of 15 and 49 from being hired for jobs that are considered to be harmful to their health, including working on the night shift. Many of these jobs pay more, allow early retirement, or both. Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no other recent substantial research in this area. Human Rights watch notes that the situation for working women may have worsened after the 1998 financial crisis, as women were more likely to be fired first.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Government statistics for 1997 showed that women earn between 69 and 81 percent of men's salaries in 5 of the 10 fields examined, but between 95 to 105 percent of men's salaries in the remaining 5 sectors. However, these figures do not provide a complete picture of the problem. Women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 11.7 percent of the work force in October, also disproportionately affects women.

In July Ingush president Ruslan Aushev issued a decree permitting men in the republic to have up to four wives. According to Aushev, the decision came in response to the republic's demographic situation, and he appealed to the Duma to make the necessary changes in the family code.

Children.—The Constitution assigns the Government some responsibility for safeguarding the rights of children. The State endeavors to provide, within its limited means, for the welfare of children. While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.).

A new family code regulating children's rights and marriage and divorce issues came into effect in 1996. Although the President has stated that government policies to improve the situation of children were a top priority, progress has been slow. Many Moscow charitable organizations have established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. In 1995 Duma Deputy Mariya Gaydash stated that 2 million children under 14 years of age suffer from physical or mental abuse, with as many as 200,000 dying each year from injuries received at home, usually from parental abuse or neglect. About 50,000 children run away from home each year, Gaydash asserted, and 2,000 commit suicide. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

In August 1998, a group of prominent Russians signed an appeal calling on the President to take "energetic measures" to help the country's homeless children. According to the Ministry of the Interior, there were approximately 1 million homeless children on the streets. The Duma estimated this number to be between 2 and 4 million. Oleg Zykov, Head of the No to Alcoholism and Drug Abuse Foundation, estimates that there are about 15,000 street children in Moscow alone. Other sources suggest that there are as many as 60,000 street children in the cities of Moscow and St. Petersburg. Many of these children have come from the regions, only to be sent back to where they came from by city police. One shelter director complained that young girls from Chechnya also were returned there, despite the danger to them. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls who find themselves on the street turn to a life of prostitution in order to survive.

An estimated 50,000 children run away from their homes each year. Boris Altshuler, director of the Rights of the Child Program at the Moscow Human Rights Research Center, said that the main reasons children run away are family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's guardian is located and his or her case is to be investigated. However, in 90 to 95 percent of these cases, the police simply return the child to the family or to the institution from which the child ran away. Altshuler told of a 9-year-old boy who escaped from his stepfather's beatings 28 times, only to be taken by police to COVINA and then returned to his stepfather. Many officials see domestic problems as private and prefer not to interfere.

In St. Petersburg local and international NGO's provide a variety of services for the homeless. In particular Medecins du Monde (MDM) supports homeless children with a "social hotel" and a medical/social consultation center that provides medical help, vaccines, and referrals to hospitals and orphanages. The MDM also organizes specialized training seminars for medical and social professionals and city officials engaged in work with homeless youth.

As the former Soviet Union opened to the international community, attention has focused on the status of orphans and the disabled, who had been removed from mainstream society and isolated within state institutions. The segregation of these populations had multiple repercussions. A complex and cumbersome system was developed to manage their life-long institutionalization. Three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the child, the system revolves around the institution itself. Child welfare is easily lost within the bureaucracy; little clear recourse exists in instances of abuse by the system. Human rights activists allege that children in state institutions are provided for poorly (often because funds are lacking), and in some cases are abused physically by staff.

While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several reports have compiled important information. There is a groundswell of opinion calling for reform to the child protection system today. Dozens of NGO's and several professional organizations are trying to improve the system. Regional governments in certain oblasts have undertaken reforms.

The available data from a 1997 report from the Ministry of Labor and Social Development, which is cited often, indicate that there are approximately 600,000 children registered as orphans in the country. Of these children, 10 percent are orphans with no parents and 90 percent are "social orphans," who have at least one living parent who has given up the child to the State for a variety of reasons. Between 1993 and 1997, the number of registered orphans increased by 30 percent and the number residing in institutions by 35 percent. Concurrently, the number of children in foster families increased by 46 percent (most children are related to the members

of their foster families). However, the number adopted has remained fairly consistent, with an overall increase of only 2 percent.

Although comprehensive statistics are not available, the prospects of those who are disabled physically or mentally are extremely bleak. The label of "imbetsil" or idiot, which signifies "uneducable," is almost always irrevocable. The most likely future is a lifetime in state institutions. Even the label of "debil," or lightly retarded, follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights, found that, on graduation from a state institution for the lightly retarded at age 18, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. Even for those orphans classified as "normal," life after institutionalization poses serious problems, as they may lack the necessary social, educational, and vocational skills to function in society.

Human Rights Watch released in December 1998, "Abandoned to the State," a highly critical report that documented the dismal conditions that persist in many, although not all, orphanages. According to the report, children emerge from the orphanage system undereducated, physically underdeveloped, inadequately socialized, and unprepared for life outside an institution. Boris Altshuler, of the Rights of the Child Program, has said that these problems are caused less by funding shortages or malfeasance than by inherent defects in the state orphanage system.

The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded, abused, or neglected. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. Altshuler has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. Since 1998 the Ministry of Labor and Social Development has been working with the U.N. Children's Fund on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there are now ombudsmen in the cities of Yekaterinburg and St. Petersburg, in the regions of Novgorod, Kaluga, and Volgograd, and there are plans to establish new ombudsmen in two other regions.

Trafficking in children and young girls is a problem, but there are no reliable estimates of its scope (see Section 6.f.).

People With Disabilities.—The Constitution does not address directly the issue of discrimination against disabled persons. Although laws exist that prohibit discrimination, the Government has not enforced them. The meager resources that the Government can devote to assisting disabled persons are provided to veterans of World War II and other military conflicts. Special institutions exist for children with various disabilities, but do not serve their needs adequately. The Government does not mandate special access to buildings for the disabled. The NGO, Society for the Defense of Invalids, is working to broaden public awareness and understanding of issues concerning the disabled.

A 1995 law established a requirement that firms with over 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for the disabled. The law also removed language defining an "invalid" as a person unable to work. However, the Government has not implemented this law. Some persons with disabilities have found work within factories run by the All-Russian Society for the Disabled, but the majority are unable to find work and frequently are discouraged from working rather than subsisting on social benefits.

The December 1998 Human Rights Watch report "Abandoned to the State," documented the dismal conditions which persist in many orphanages. The report contains especially dramatic photographs of severely emaciated children in special state orphanages for the disabled. Being disabled is still a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects. According to the report, many disabled children are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled.

Indigenous People.—Until its abolition by presidential decree on September 22, 1998 (as part of a larger cabinet restructuring), the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Affairs and Nationalities, which is directed by the presidential decree to take "into account the

need for singling out the most important issues of northern territories" as one of its priorities. On March 6, the Duma approved a bill on indigenous ethnic communities, providing them with support, permitting the creation of self-government bodies, and permitting them to seek compensation if economic development threatens their lands. Yeltsin signed the law in April. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tafarli, and Chukchi; and others have worked actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country have criticized the Federal Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. According to unconfirmed press reports, in May approximately 1,000 Nogais in Stavropol met and called for the resignation of the regional and educational administration in the Nogai okrug, after a police officer reportedly killed two Nogais; no further details were available about this incident. According to the chairman of the executive of Birlik, the interregional association of Nogais, Nogais in the Neftekumsk region reportedly do not enjoy the same rights as other ethnic groups, and there are no Nogais in the region's administration or in any law enforcement agencies. According to unconfirmed press reports, in Karelia Karelians and Vepsians are calling for laws in the republic to ensure that minorities have sufficient representation in the republic and local governments. Local Karelian and Vepsian leaders reportedly blame local authorities for not taking sufficient action to protect local languages and culture. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

Religious Minorities.—There were many instances of violence in the Northern Caucasus, some of which had religious motivations. The RIA news agency and Keston News Service reported in April that Abuzar Sumbulatov, Chechnya's leading religious affairs official and a specialist in Islamic law, was kidnaped from his home in Groznyy. No ransom was demanded and Sumbulatov is presumed dead. The reasons for the kidnaping are unknown but Keston News service noted that Sumbulatov, a Muslim, was known for promoting religious tolerance. Sumbulatov criticized the Moscow Government for attacking Chechen cultural heritage by destroying university archives, but also accused former Chechen president Dzhokhar Dudayev's government of deliberately allowing attacks on Chechnya's ethnic Russians. Sumbulatov's abduction coincided with several kidnapings of Russian Orthodox and Baptist clergy in Chechnya and its bordering areas in 1998 and 1999 which, according to the Keston News Service, suggests that Christians are being targeted specifically. One kidnaped Baptist pastor later was found beheaded in March, and another is feared dead. ITAR–TASS reported in July that Father Zachary, the dean of the Archangel Michael Church, and two church workers were kidnaped in Groznyy. In March three Russian Orthodox priests also were kidnaped, two in Chechnya and one in Ingushetiya, and one later was released. A U.S. missionary was kidnaped in Dagestan in late 1998 and was released by his abductors in June, after being tortured in order to extort ransom (see Section 1.b.). The Russian Baptist Union advised its members in 1998 to leave Chechnya.

Muslims, who constitute approximately 10 percent of the population, continue to encounter societal discrimination and antagonism in some areas where they are a minority. In February Murmansk residents protested the construction of a mosque with a prominent minaret at a highly visible site.

As foreign or so-called "nontraditional" religions in the country continue to grow, many Russians continue to feel hostility toward these "foreign sects," perhaps influenced by negative reports in the mass media and public criticism by Russian Orthodox Church officials and other influential figures. These sentiments appear to have sparked occasional harassment and even physical attacks. For example, according to press reports, in August between 10 and 15 youths burst into a Moscow Hare Krishna temple, beat followers and gave at least one person a head laceration severe enough to require hospitalization (see Section 1.c.). In Altay in March leaders of local organizations signed a petition protesting the construction of a Roman Catholic cathedral on Lake Teletskoye and accusing Catholic missionaries of engaging in brainwashing. The head of the Altay republican government has pledged to prevent the construction of a Catholic church in the region. In April in Chernyakhovsk in the Kaliningrad region, an Adventist pastor and his wife filed a criminal complaint against the sons of an influential Orthodox priest after the sons disrupted an Adventist meeting, beat the pastor's wife, and ripped her clothing in

March. According to the Institute of Religion and Law, the attacker apologized, and the case eventually was settled out of court. Mormons and Pentecostals have reported instances in which they may have been followed, harassed, and, in at least one case, physically struck. On August 21, an anonymous bomb threat led to the evacuation of 15,000 persons attending a Jehovah's Witnesses convention in Moscow's Olympic Stadium. There are believed to be more cases of such harassment than are reported. In several instances during the year, local press outlets accused Scientologists, Mormons, and Jehovah's Witnesses of espionage, brainwashing, and other activities that they believed to be harmful to citizens. A political commentator for the ORT network alleged in a November broadcast that Moscow Mayor Luzhkov is a Scientologist, as part of his station's effort to reduce Luzhkov's party's chances in the December Duma elections (see Section 3).

In February Russian Orthodox Patriarch Aleksiy II called for the continuation of the struggle against foreign religions, which he believed were threatening the spiritual health of the nation. Metropolitan Kirill of Smolensk and Kaliningrad, head of the Russian Orthodox Church's Department of External Relations, has stated repeatedly that existing international human rights standards are "exclusively Western and liberal." In an August discussion on religious tolerance, a representative of the Moscow Patriarchate echoed this view, asserting that such norms are based on Western standards, which do not take into account Eastern tradition. In March the Moscow Patriarchate of the Russian Orthodox Church stated that it considers the Church of Scientology to be a dangerous sect that can have a negative impact on individuals and families. A spokesman for the Patriarchate said that it wanted the activities of the Church of Scientology to be scrutinized by the appropriate legal entities. These comments came immediately after Moscow police raided the offices of the Church of Scientology (see Section 2.c.). In February Russian Orthodox Metropolitan Kirill criticized Jehovah's Witnesses for their practice of proselytizing and accused the group of resorting to manipulation and psychological pressure. Metropolitan Kirill's comments came during the course of the civil trial against Jehovah's Witnesses in Moscow.

Occasionally, opposition to the dissemination of information came from religious groups. From time to time, the Russian Orthodox Church has criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

Religious groups frequently complain of discriminatory stories in the local press. While the scope of the problem is difficult to gauge, newspapers have published sensational or biased articles criticizing nontraditional religions.

Following large-scale emigration over the last two decades, between 600,000 and 700,000 Jews remain in the country (0.5 percent of the total population). While Jewish emigration rates are significantly lower than in the Soviet period, the number of Jews emigrating to Israel for economic reasons as well as fear of persecution increased approximately 70 percent from January 1998 to January 1999. The vast majority of Jews—80 percent—live in Moscow or St. Petersburg. Jews continue to encounter societal discrimination, and government authorities have been criticized for insufficient action to counter it. In August the Ministry of Press, Television, Radio Broadcasting, and Mass Communications issued a warning to a city-owned television station in St. Petersburg for airing anti-Semitic material in violation of the mass media law's prohibition on inciting racial violence or hatred (see Section 2.a.). In August St. Petersburg Commissioner for Human Rights Mikhail Chulaki publicly criticized the program that broadcast the anti-Semitic material.

Until recently, there was little evidence to suggest that increased anti-Semitic rhetoric has led to increased violence, but observers in the country and abroad are watching closely to see if these most recent events are part of a sustained pattern of intensified anti-Semitism (see Section 2.c.). There were several reports of major crimes or acts of intimidation linked to anti-Semitic groups or motives during the year. The interior of the Jewish synagogue in Novosibirsk was ransacked and largely destroyed by vandals in March. The vandals painted graffiti, including the swastika-like symbols and initials of the ultranationalist Russian National Unity (RNE) organization, on the interior walls of the synagogue. It was not clear whether the RNE was responsible for the incident. Neither city nor regional government officials spoke out against the attack, and no arrests were made in the case. In May a synagogue in Birobydzhan (the Jewish autonomous region) reportedly was vandalized by hooligans on two occasions. Also, on May 1, two bombs exploded simultaneously near the Marina Roshcha Synagogue and the Moscow Choral Synagogue in Moscow. Federal authorities are unsure whether the attacks were motivated by anti-Semitism, but Jewish leaders are convinced that they were. Then-Interior Minister

Stepashin announced the next day that the Ministry had formed a joint team with the FSB to investigate the two bombings. No progress has been reported in investigations of the May 13, 1998 bombing of the Marina Roshcha synagogue, which caused extensive property damage and slightly injured several workers at an adjacent construction site but no congregants.

There were several serious anti-Semitic incidents beginning with the July 13 stabbing of Jewish Cultural Center director Leopold Kaymovskiy at the Moscow Choral Synagogue. Kaymovskiy's attacker, 20-year-old Nikita Krivchun, said that he acted alone but that he considers Jews "evil." Krivchun was charged with attempted murder for reasons of national, racial, or religious hatred. On July 25, a bomb was found in the Bolshaya Bronnaya Lubavitcher synagogue. The bomb was removed by synagogue workers and later detonated by the FSB, causing some damage to the synagogue. Moscow Mayor Luzhkov criticized the bombing and attended a July 29 service at the synagogue. The FSB is investigating the bomb as a terrorist act. Vandals desecrated six Jewish graves in Tomsk on August 2. On August 2, President Yeltsin told visiting Israeli Prime Minister Ehud Barak that the Government would prosecute anti-Semitic crimes and proposed Israeli-Russian cooperation on combating anti-Semitism.

The ultranationalist and anti-Semitic RNE paramilitary organization, led by Aleksandr Barkashov, appeared to extend its presence beyond its stronghold in the south during 1998. Although reliable figures on its membership are not available, the RNE claims a membership of 100,000 in 64 federation chapters, but press reports estimate its membership at 12,000, and it is registered officially in 22 regions. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. According to press accounts, in Kostroma and Vladimir the RNE has representatives in regional governments; Tver and Samara oblasts provide resources for RNE youth groups; and in Voronezh RNE members patrol the streets with local militias. According to press sources, joint street patrols failed in Kostroma and Yekatarinburg, where RNE members turned them into opportunities for petty crime, causing local authorities to cancel the programs. RNE "uniformed" members were increasingly visible during 1998 at political and cultural public gatherings, but their day-to-day visibility on the streets and in public areas of Moscow had not been as obvious. However, on January 31 approximately 150 RNE members marched in Moscow to protest Mayor Luzhkov's ban on holding an RNE congress in the city in December 1998. The march received a great deal of media coverage. After the ban on its congress in Moscow, the RNE staged smaller meetings in 10 other cities, the largest with 300 participants in Stavropol, according to press reports in March. In Borovichiy the RNE and another local Fascist group, Mertvaya Voda, were active according to local Jewish leaders, and desecrated Jewish graves, mailed death threats to Jews, and hung anti-Semitic posters. The local Borovichiy duma passed a decree in December 1998 prohibiting RNE activities and the distribution of its propaganda, and in March 1999 city and law enforcement officials formed a commission to counteract the RNE's activities and propaganda. In April officials from the Borovichiy city administration invited the Harold Light Center, a Jewish NGO, to present a 2-day seminar on combating anti-Semitism and extremism.

The increased visibility of the RNE and other extremists across the country prompted government efforts to address the problem of extremism more forcefully. Moscow authorities banned the RNE from convening a congress in December 1998, citing the RNE's lack of credentials as a legally registered public organization at the time. (The Ministry of Justice twice had denied the RNE's registration.) The RNE subsequently managed to register but was then stripped of its registration by a Moscow court in April. However, some observers called the municipal procuracy's case weak and motivated only by the desire of city authorities to ban the organization.

Anti-Semitic themes continued to figure prominently in hundreds of extremist publications, and some politicians made anti-Semitic remarks. Jewish groups believe that the Communist Party of the Russian Federation (KPRF) uses anti-Semitism as a political tool to build populist support. In October and December 1998, KPRF Duma members Makashov and Ilyukhin made anti-Semitic remarks and called for quotas limiting the number of Jews in public office. Communist Duma members blocked a November 4, 1998 Duma motion to censure anti-Semitic remarks (see Section 2.c.). Some Russian Jews believe that these public statements may have contributed to increased societal anti-Semitism.

Jewish NGO's claimed that anti-Semitic themes were a factor in December 6, 1998 legislative assembly elections. A December 17, 1998 article in Novyy Petersburg by Yuriy Shutov, a deputy of the legislative assembly currently in prison awaiting trial on seven counts of homicide, stated that Grigoriy Yavlinskiy, the leader of the Yabloko party, was Jewish. Lvov said that anti-Semitic graffiti all around

the city also were used to smear Yabloko candidate Aleksandr Druz. At an August 4 roundtable in St. Petersburg, candidates for Leningrad oblast's legislative assembly publicly used anti-Semitic rhetoric to argue their positions (see Section 3).

A prominent public figure who regularly used anti-Semitic remarks was Krasnodar region governor Nikolay Kondratenko (see Section 2.c.). A report issued in October 1997 by the human rights group Memorial criticized Krasnodar government officials for "encouraging radical nationalist groups," including the Cossacks, and "indirectly inciting them to violence" against ethnic minority groups in the area. Local government authorities have approved patrols by Cossack paramilitary groups in the name of law enforcement. Such groups are not accountable publicly, and their activities have resulted in human rights abuses. For example, in July 1998 Cossacks detained and whipped an Adventist distributing Bibles in a public park in Anapa in the Krasnodar region. The Cossacks refused to return the 60 Bibles that they had confiscated from him. In May Cossacks in Anapa beat a man connected with a Catholic church in their efforts to stop construction of a new Catholic chapel. The man was hospitalized as a result of the beating. A local priest had received a threatening letter signed by the leader of a local Cossack organization demanding that construction of the chapel cease. The church had all the necessary permits from local authorities to build the chapel.

After his 1996 election, Kondratenko appointed Cossack "hetman" Vladimir Gromov as deputy governor of the region. In April 1997, Kondratenko and Gromov issued a resolution making Cossack groups subordinate to the regional government instead of to the State, according to the Center for Human Rights Advocacy. According to the statements of the radical Cossack chieftain Ivan Bezguliy, reported in the media, he has 44,000 Cossacks at his disposal, ostensibly to enforce law and order. Estimates of the total number of Cossacks in Krasnodar are as high as 300,000. The Cossacks' tactics appear designed to brutalize and intimidate the area's ethnic minorities and to bring about the group's stated goal of cleansing the area of all nonslavic Russians.

In July 1998, the presidential Human Rights Commission issued an official statement that warned that the legalization of the activity of extremists on the part of a number of local authorities and law-enforcement agencies under the pretext of "providing assistance in restoring law and order" and in "the patriotic indoctrination of youth," had become a "new and dangerous phenomenon." This comment apparently referred to, among other things, the use by authorities in the Kuban area of the south of Cossack paramilitary units to assist law enforcement authorities.

In December 1998, the Ministry of Justice launched an investigation into the reported distribution of anti-Semitic leaflets in Krasnodar that called on the population to destroy the homes of Jews. The extent or effectiveness of federal investigations of racial or ethnic provocations in Krasnodar is thus far unknown. According to press reports, in June Cossacks in Stavropol threatened to take over law enforcement functions since they lacked faith in the Government's ability to protect its citizens after four policemen were killed.

National/Racial/Ethnic Minorities.—In July 1998, the presidential Human Rights Commission issued an official statement noting that "the increase in the threat of fascism" was "taking on visible and ominous features," and that incitement of national, racial, and religious enmity was "taking on an increasingly organized nature." It noted the increasing number of extremist groups that advocated racial supremacy and "national xenophobia," and commented that such groups were moving with increasing frequency from combat training (under the guise of sports training) to "acts of direct terror, hoodlum attacks on persons of 'unwelcome' nationality, the desecration of cemeteries, and explosions of monuments." The statement followed a number of well-publicized incidents that spring, including several racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by private individuals or small groups, some of whom were known to local law enforcement authorities for their racial intolerance or criminal records.

Roma and persons from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. There were reports of police beatings, harassment, and soliciting bribes of persons with dark skin, or who appeared to be from the Caucasus, Central Asia, and Africa. In addition, since 1993, discrimination against persons from the Caucasus and Central Asia increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers, particularly after the bombings in September in Moscow, when authorities detained some 2,000 persons and deported more than 500, according to NGO's (see Sections 1.c., 1.d., and 2.d.). In Moscow such persons—including refugees from Africa, persons with dark skin,

or persons who appeared to be from the Northern Caucasus—are subjected to far more frequent document checks than others and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police. Reports also suggest a pattern, at least tacitly supported by city authorities, of extortion and beatings by law enforcement officials.

On August 11, Ivan Sydoruk, procurator of St. Petersburg, charged Denis Usov, a local journalist, with extremist nationalist activities. The charges were based on the views expressed in Usov's article in the suburban newspaper Rodnoye Kolpino, in which he called for the population of the Kolpino suburb to "get rid of blacks" (persons from the Caucasus usually are called "black people"). The article was published in the summer of 1997. The Kolpino procurator's office pressed charges against Usov then, but the issue was closed because Usov managed to prove to the investigator that in the article he meant black cockroaches, not black people. Sydoruk reopened the issue; however, according to press reports, Usov plans to insist on a public trial in order to attract public attention to his views. (Usov also is a member of Kolpino's municipal council.)

During the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups. However, arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees who lack residence documents recognized by the police, choose not to report such attacks and report indifference on the part of police. In May 1998, several young white men assaulted a black foreigner at an outdoor market in Moscow. One of the attackers was charged with hooliganism and investigated on the more serious charge of inciting racial hatred. In March he was convicted on the charge of hooliganism and sentenced to 3 years in prison, but he was released in September under a prisoner amnesty.

In Stavropol kray, the local branch of Aleksandr Barkashov's neo-Nazi RNE and a parallel organization called Russian Knight claim support from local leaders, members of the armed services, and law enforcement officials. The stated goal of the organizations is to develop Russian youth to establish "Russian order," a vision of a great Russia with Orthodox values, a goal for which they claim to be ready to shed blood. The group runs kindergartens in Stavropol and trains youths of various ages. The group reportedly has several hundred followers in the kray and claims to have 64 branches throughout the country and 100,000 members.

The RNE was named by the Presidential Commission on Countering Political Extremism, created in October 1997, as one of the first two extremist groups it would investigate. However, in making the announcement, then-Justice Minister Stepashin, chairman of the Commission, added that the RNE no longer existed officially, since it had lost a court case in December 1997 to renew its registration with the Ministry of Justice. The Ministry of Justice twice had denied the RNE's registration. The RNE subsequently managed to register but then was stripped of its registration by a Moscow court in April. However, some observers called the municipal prosecutor's case weak and motivated only by the desire of city authorities to ban the organization. The RNE still is active as an unofficial organization.

On January 30, members of the National Bolshevik Party, headed by right-wing author Eduard Limonov, disrupted a congress of the Russia's Democratic Choice political organization with chants of "Stalin-Beriya-Gulag" and Nazi salutes. Members of the two parties engaged in a fistfight, according to the Russian press.

In August after a number of television stations showed footage of Chechen leaders in their reports on the conflict in Dagestan, the Ministry of Press, Television, Radio Broadcasting, and Mass Communications warned the companies against "giving air time to Chechen field commanders," stating that those actions violate Article 4 of the media law, which forbids incitement of societal violence or hatred (see Section 2.c.). Human rights activists in St. Petersburg protested local media broadcasts on the city-owned station that called for ethnic cleansing and referred to residents of the Caucasus as "needing extermination."

The Government reported that in 1998 authorities investigated 25 criminal cases on charges of incitement to national, racial or religious hatred. As of July, 10 cases have been opened, and courts have ruled on 9 of them.

Chechen internally displaced persons (IDP's) and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment. The St. Petersburg Times in April reported that a similar pattern of discrimination exists against persons from the Caucasus in St. Petersburg. Although the housing law forbids discrimination, according to human rights lawyer Yuriy Shmidt, the

chances of a would-be tenant winning a lawsuit are low because there is no legal precedent.

In February the republican legislature in Bashkortostan passed a law naming Bashkiri and Russian as its two official languages, but excluded Tatar. There are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. On January 21, some 20 Tatars protested a draft version of the language law outside the republican legislature, and authorities arrested 7 of the protesters.

Section 6.Worker Rights

a. *The Right of Association.*—The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Although the best estimates are that approximately 63 percent of the work force are unionized, and approximately 8 percent of union members belong to independent unions, there are no authoritative data on union membership. There was no mandatory reregistration of union members following the Soviet era, during which all workers were registered as trade union members. Since the onset of the wage arrears crisis, workers have been unable to transfer dues to their chosen trade union structures. The Government did not carry out its threat to decertify the Free Miners' Union (NPG) following that union's protest activities in July 1998.

The FNPR claims to represent 80 per cent of all workers, largely dominates the union movement, and thus still provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income and fees for member services. Its unions frequently include management as part of the bargaining unit. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits of membership vary depending on union affiliation and generally discourage the formation of new unions. Various benefits are provided by the Social Insurance Fund. By arbitrarily deciding who receives benefits, such as child subsidies and vacations, based on the politics or affiliation of union members of the federation, FNPR unions enjoy a privileged position with regard to distribution of state funds at the municipal, oblast, and federal levels. For example, families normally would pay 60 percent of the cost of summer camp for children, while FNPR members would pay only 20 percent.

Court decisions have limited the right of association. In 1998 the Russian Trade Union of Locomotive Engineers declared its intention to strike. The Ministry of Railroads filed a court case to have the planned strike declared illegal. The prosecutor demanded that the court declare the union's constitution illegal, as it specifically limited trade union membership to workers and excluded management, in alleged violation of the International Labor Organization's (ILO) convention on freedom of association. The court ruled that the union had to change its constitution to allow managers to join the union. Despite an official document from the ILO that supported the union's position, the court has yet to overturn its original ruling.

Plant management and FNPR local unions often work together to destroy new unions. For instance, the new union Solidarity united 900 of the 2,500 workers at the Samara ball-bearing factory. At the end of 1998, the factory changed hands, and a new director joined forces with the FNPR against Solidarity, which had grown at the expense of the FNPR union. Briefings in the director's office included daily updates from shop floor managers as to the number of employees who had left Solidarity and rejoined the FNPR local. The incentives for leaving Solidarity were considerable—avoidance of the threat of dismissal and possible receipt of a "cash bonus" (in the form of a credit, since there was almost no cash available). In 2 months Solidarity lost 200 members due to this campaign.

All civic organizations founded before 1994 were required to reregister with the Ministry of Justice. The registration procedure for other NGO's requires that the local departments of justice check all articles of charter documents, but for unions, the procedure simply involves "notification" and submission of documents. However, Department of Justice officials have extended their authority far beyond the letter of the law and have canceled the registration of a large number of unions. For example, after submission of documents for registration, the Sverdlovsk oblast department of justice required that all founders gather at the department of justice and

resign the founding documents. In another case, despite having filed the proper forms, the Russian Trade Union of Locomotive Brigades, which has enjoyed all-Russian status (a term of informal recognition throughout the country) for more than 5 years, was refused registration in July on the grounds that local unions were not documented properly. In the opinion of independent lawyers, these actions contradict the laws governing union registration and are a direct and illegal attempt to discourage labor activism.

Court rulings have established the principle that nonpayment of wages—by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired for participation. Prior to 1999, collective actions were considered strikes if they concerned violations of a collective bargaining agreement that specified the time frame for wage payments. Court decisions throughout the year came to reflect the view that even these actions did not concern a collective dispute. This ruling called into question the value of a collective agreement.

As part of bargaining, the right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are common, although strictly prohibited by law. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Following a strike by dock workers at the Kaliningrad port over management's refusal to negotiate a collective bargaining agreement in October 1997, all union members were "transferred" to other brigades that were the last to receive work orders. In order to move back to a working brigade, workers simply had to resign from the union. In October the union won a court decision against these transfers.

In 1995 transportation unions had complained that, because transportation can be considered an essential service that must be provided under law, their right to strike was denied. The Constitutional Court agreed and found that banning industrywide strikes is unconstitutional, and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal law on collective labor dispute resolution banned railway strikes. After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation that became law in July to ban all strikes in the air traffic sector.

During the year, there were no prolonged strikes like those that occurred in recent years. As the Government began to pay salaries and pensions systematically, the grievance of nonpayment of wages, which had motivated strikes in previous years, grew less prevalent. According to official statistics, during the first 11 months of the year there was a decrease in the number of strikes compared to the same period in 1998. In November some 5,700 workers were on strike at 341 organizations, while in November 1998, some 65,500 workers were on strike at some 2,135 organizations. In January a national teachers' strike received considerable publicity and was noteworthy in comparison to the few minor work slowdowns and stoppages that were scattered in other sectors.

According to an international labor organization report, on January 27 unknown assailants murdered Gennady Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares (see Section 1.a.).

In October Ministry of Justice troops stormed the Vyborgskyi paper mill in Leningrad oblast and opened fire on workers who had barricaded themselves in the factory's administration building. The workers were protesting the mill's new foreign ownership. Minister of Justice Yuriy Chayka admitted to the Duma later that month that the troops' actions were "lawful in form, but digressed from the law in content" (see Section 1.c.).

Unions may freely form federations and affiliate with international bodies.

b. *The Right to Bargain Collectively.*—The law provides for the right of collective bargaining, but this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union; however, the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is often not protected. In addition, employers often ignore the require-

ment to negotiate and refuse to come to the bargaining table. Various employers successfully refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. Despite a legal requirement to do so, management also frequently refuses to provide the financial information demanded by trade unions. The Ministry of Labor indicates that 5.4 percent of enterprises have officially registered collective bargaining agreements. It is not obligatory to register collective agreements, and it is very likely that there are far more collective agreements than those actually registered. According to the Ministry of Labor, during the year the most common causes for strikes, not counting actions over wage arrears, were the refusal of employers to negotiate or conclude a collective agreement and the refusal to recognize the union and enter into negotiations.

A gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. Lack of clear identification of the employer has complicated and delayed tripartite tariff agreements at the municipal, regional, national, and industrial levels and has brought their legal validity into question. For example, in the air traffic controllers' struggle to negotiate a national compensation agreement, it was unclear who was the employer—the Federation Aviation Service or the Government Aviation Corporation. As a result, negotiations dragged out for 2 years, and the Government only clarified the identity of the employer when faced with a proposed strike. Even after an agreement is signed, employers often claim that the "employer representative" had not been authorized to represent the factory involved.

There are no export processing zones. Worker rights in the special economic zones/free trade zones are covered fully by the Labor Code.

c. *Prohibition of Forced or Compulsory Labor.*—The Labor Code prohibits forced or compulsory labor by adults and children; however, there were some reports of its use. Soldiers regularly are sent to work on farms to gather food for their units. There are documented cases of soldiers being sent by their superior officers to perform work for private citizens or organizations. There were reports of officers and sergeants "selling" soldiers (see Section 1.c.). Such labor also may violate military regulations. There were no reports of forced or bonded labor by children.

According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work free or almost free because their passports are held by firms that brought them into the country. Similar reports describe North Koreans brought in to work in the construction and timber industries in the Russian Far East, with salaries remitted to their Government.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions, work in apprenticeship or internship programs at the ages of 14 and 15. While in some instances children can be found selling goods on street corners, accepted social prohibitions against the employment of children and the availability of adult workers at low wage rates combine to prevent widespread abuse of child labor legislation. Homeless children are at risk for exploitation in prostitution or criminal activities. Other children are used by their parents to lend credence to their poverty when begging. The mayor of Moscow in August 1998 issued a decree that required enterprises with more than 15 employees either to hire a young intern or disabled person or to contribute about $59 (1,400 rubles, or the average monthly wage of a metallurgical worker) per month to the Employment Fund. The absence of a program to implement the decree encourages the hiring of fictitious employees to avoid contributing to the Fund. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The monthly minimum wage of $3.33 (83 rubles) is well below the living wage of $38 (950 rubles) per month, and is insufficient to provide a decent standard of living for a worker and family. In August 37.7 percent of the population had incomes below this survival minimum, compared with 21.8 percent 1 year earlier. However, most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. Various sources estimate that from 50 to 70 percent of the working population have extra jobs, the incomes from which are not reported. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities. Dependence

on such subsidies, in conjunction with the residency registration system—illegal but widely practiced—generally prevents relocation to find work.

The Labor Code provides for a standard workweek of 40 hours, with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is, 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers. Because of the financial crisis, workers often go without pay for the normal workweek but are offered cash for overtime work, which they accept in order to survive.

Nonpayment of wages continues to be the most widespread abuse of the Labor Code. Wage arrears, which were generally between 3 and 9 months, especially affected workers in the education, medicine, industry, and energy/coal sectors. Although government salary debt virtually has been eliminated, the salary debts of enterprise workers continue to be a problem. Payments to government workers have not been indexed to account for devaluation of the ruble, and their current value is about one-quarter of their value when earned. The loss of purchasing power explains the steady increase of the portion of the population whose incomes are below the survival minimum. Many enterprises were forcing employees to take wages in barter, sometimes in goods with limited appeal. The vast majority of government workers continue to receive less than the survival level.

Although a small but increasing percentage (perhaps 6 percent) of workers owed back wages seek relief through the court system, this has proved to be a lengthy process. Courts often are willing to rule in favor of employees, but the collection of back wages is difficult. Courts often insist that cases be filed individually, in contradiction to the law on trade unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store. At least one appeals court has ruled in favor of employees who demanded indexation of back wage payments.

The problem of wage arrears is aggravated by limitations on labor mobility. For various reasons, many workers are not able to move to other areas of the country in search of work. Many say that they are constrained economically: Their savings were destroyed by the rampant inflation of the early 1990's; they have not been paid for periods of 5 to 9 months; and their freedom to move in search of new employment is limited further by the system of residency permits (see Section 2.d.). These workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Also, due to the inability of the local Employment Agency to provide benefits or to absorb laid-off employees from one factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor. Approximately 4 million workers were considered "underemployed" due to involuntary leave or curtailed hours.

The law establishes minimal conditions for workplace safety and worker health, but these standards are not enforced, as the Government's efforts in this area did not increase during the year. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. As economic activity continued to decline during the year, funds were not available for safety and health in the workplace. The pressure for survival displaced concern for safety. For example, trade union sources have reported that it has become commonplace for miners to remove the supports from mineshafts and sell them for scrap metal. Doctors' unions admitted to various international agencies that health and safety equipment provided to the hospitals was sold to patients' families, due to the wage arrears crisis and the fact that even when doctors and nurses are paid on time, their salaries are below the survival level. A worker at the Uralmash Machine Building Factory had 6 months of wage arrears and had to work a second job. When he fainted on the job, doctors associated his loss of consciousness and consequent injury with malnutrition and exhaustion from working at his second job. However, union leaders state that if work were conducted only in accordance with health and safety regulations, 70 percent of all work would stop.

Workers were still at high levels of risk of industrial accidents or death. Reliable, recent statistics on accident and death rates for workers were not available.

The Labor Code establishes workers' right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions.

f. *Trafficking in Persons.*—Trafficking in women and young girls is a problem, but there are no reliable estimates of its scope (also see Section 5).

Particularly because of a lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Reliable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime increasingly is involved in trafficking in women and children, but reliable data are not available. Often, women respond to advertisements promising well-paying jobs abroad, where they are forced into prostitution. The Global Survival Network, an international NGO, completed a comprehensive 2-year study of trafficking in the former Soviet Union in 1997. The study concluded that most women being trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. NGO's charge that exploited women commonly are refused help by Russian consular officials abroad. Women reportedly are trafficked to European Union countries, the Middle East, and the U.S.

According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work free or almost free because their passports are held by firms which brought them into the country (also see Section 1.c.).

There were also reports of officers and sergeants "selling" soldiers (see Section 1.c.).

SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council—GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). They preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State), also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.

Elected officials effectively control the centralized police organization (the Civil Police) and the two military corps (the Gendarmerie and the Guardie di Rocca).

The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian government under the terms of the Basic Treaty with Italy.

The legal system extensively provides for human rights, and the authorities respect them in practice. Although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some laws discriminate against women, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

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

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

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

zens with a fair and efficient judicial process. The judicial system requires that the country's lower court judges be non-Sammarinese citizens, with a view to assuring impartiality.

A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

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

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

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

The Government cooperates with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations. Although it does not formally offer asylum to refugees, the government has given a few individuals de facto asylum by permitting them to reside and work in the country. The issue of the provision of first asylum did not arise during the year; nor were there any reports of the forced repatriation of refugees.

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.

Women who wish to participate in government or politics face no impediments. In 1974 the first female member was elected to the GGC. Since then, women have served on the Council as Secretary of State for Internal Affairs and as Captain Regent. All women's branches of the political parties have been integrated into the mainstream party organizations, where women hold important positions.

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

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to outsiders' investigations of alleged abuses, but there have been no known requests.

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

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities respect these provisions. The law also prohibits some forms of discrimination based on sex, but vestiges of legal as well as societal discrimination against women remain.

Women.—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

However, one law discriminates against women by stipulating that a woman who marries a foreigner cannot transmit citizenship to her husband or children, but that a man who marries a foreigner can do so to both his wife and their children. In a September 12 referendum, the electorate by a very narrow margin failed to confirm a change to the law that was approved by Parliament on June 16. The proposed law would have provided for the transmission of Sammarinese citizenship by women, but it was narrowly defeated despite support by all political parties. The

Government plans to present a new bill supporting women's equal rights in transmitting citizenship in the near future.

The referendum also failed to confirm a provision that would revoke the citizenship of women who acquired citizenship through marriage after 5 years of divorce if they no longer reside in the country. This provision was included in the proposed law after the Government had noted that several young Eastern European women recently had married significantly older citizens, presumably with the aim of acquiring citizenship.

Children.—The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care. No differences are apparent in the treatment of girls and boys in educational or health care, nor is there any societal pattern of abuse directed against children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1992 law established guidelines for easier access to public buildings, but its implementation is incomplete.

Section 6. Worker Rights

a. *The Right of Association.*—By law all workers (except the armed forces but including the police) are free to form and join unions. A 1961 law sets the conditions for establishment of a union. Unions freely may form domestic federations or join international labor federations.

Union members constitute about half of the country's work force (which numbers about 10,300 Sammarinese citizens plus 4,000 Italians from the country's total population of about 25,000 persons).

Trade unions are independent of the government and the political parties, but they have close informal ties with the parties, which exercise strong influence on them.

Workers in all nonmilitary occupations have the right to strike. No general strikes occurred in at least the last 9 years. However, during this period some brief sectorwide and company strikes took place.

b. *The Right to Organize and Bargain Collectively.*—The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. For the last several years, all complaints have been resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor, including by children, and the Government enforces this prohibition effectively.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition (see Section 6.c.). The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. Most students continue in school until age 18.

e. *Acceptable Conditions of Work.*—Since January 1, the legal minimum wage has been approximately $1,200 (2.16 million lira) per month, which affords a decent living for a worker and family. Wages were generally higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37½ hours in industry and private business, with 24 hours of rest per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors them. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry.

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

SERBIA-MONTENEGRO

Serbia-Montenegro is dominated by Slobodan Milosevic, who continues to control the country through his role as President of the Federal Republic of Yugoslavia (FRY) and more importantly, as President of the Socialist Party of Serbia (SPS)—a dual arrangement proscribed by the federal Constitution—and his domination of

other formal and informal institutions. Although the SPS lacks majorities in both the Federal and Serbian Parliaments, it controls governing coalitions and holds the key administrative positions. Since federal authority is exercised effectively only over the Republic of Serbia, and even there, not in Kosovo, the human rights situations in Montenegro and Kosovo are dealt with in separate annexes following this report. The Milosevic regime effectively controls the judiciary and respects the country's legal framework only when it suits the regime's immediate political interests.

Serbia abolished, in all but name, the political autonomy of Kosovo and Vojvodina in 1990; all significant decisionmaking since that time until 1999 had been centralized under the Milosevic regime in Belgrade. Starting in 1998, republic authorities in Montenegro clearly began to increase their efforts to assert their authority incrementally in Montenegro. Milosevic's control over Kosovo ceased in June 1999, when it came under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK). The Milosevic regime's oppressive policies toward Kosovo's ethnic Albanians quashed any prospect of interethnic cooperation and subsequently led to a full-fledged separatist insurgency that erupted in early 1998. In response the regime undertook a brutal police and military crackdown against the separatist insurgents and civilian population in Kosovo. After talks in February and March 1999 in Rambouillet failed to resolve the matter diplomatically, Serbian forces continued a full-fledged campaign of ethnic cleansing against civilians and forced 850,000 Kosovar Albanians to flee the province, and hundreds of thousands of Kosovar Albanians were internally displaced. NATO forces began an air campaign against the Serbian forces and regime on March 24. The NATO campaign succeeded, forcing Milosevic to withdraw his troops from Kosovo in early June and allowing refugees and displaced persons to return to Kosovo.

The international community does not recognize the FRY—Serbia-Montenegro—as the sole successor state to the former Yugoslavia. Accordingly, the "FRY" still is not permitted to take the Yugoslavia seat in the U.N. or to participate the Organization for Security and Cooperation in Europe (OSCE) or other international organizations and financial organizations.

As a key element of his hold on power, President Milosevic effectively controls the Serbian police, a heavily armed force of some 100,000 officers that is responsible for internal security. Milosevic effectively has destroyed the constitutional role of the Supreme Defense Council, essentially establishing himself as commander-in-chief of the Yugoslav Army (VJ), which also was employed in the brutal campaign prosecuted against the citizens of Kosovo. Serbian police and military forces committed numerous serious and systematic human rights abuses, especially in Kosovo.

Economic performance was anemic as a result of general inefficiency in the economy, corruption, and continued resistance to reform and privatization, the imposition of strengthened international sanctions in response to the situation in Kosovo, the country's increased pariah status following the conflict, its continued exclusion from international financial institutions, and the damage inflicted on infrastructure during the conflict with the international community. Unemployment and underemployment remained high, reaching at least 60 percent, since the Government was unable or unwilling to introduce necessary restructuring measures. The Government failed to implement needed sweeping economic reforms, including privatization, which could help the economy but also could undermine the regime's crony system.

The Government's poor human rights record worsened significantly, and there were serious problems in many areas. In practice citizens cannot exercise the right to change their government. Serbian police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, rape, arbitrary arrest and detention in Kosovo. Impunity for those who commit human rights abuses remains a serious problem. The judicial system is not independent of the Government, suffers from corruption, and does not ensure fair trials. The authorities infringed on citizens' privacy rights. The Government severely restricted freedom of speech and of the press, and used overbearing police intimidation and economic pressure to control tightly the independent press and media. Most journalists practice self-censorship. The Government restricted freedom of assembly and association. While under the Constitution citizens have a right to stage peaceful demonstrations, in practice police seriously beat scores of democratic opposition protesters throughout the republic of Serbia, sending many to hospitals. The Government infringed on freedom of worship by minority religions and restricted freedom of movement. The Milosevic regime has used its continued domination of Parliament and the media to enact legislation to manipulate the electoral process. The most recent electoral manipulation by the regime was in the Serbian parliamentary and presidential elections in the fall of 1997. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations was poor. The Government routinely hindered the activities of human rights groups.

The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY): it failed to meet its obligations under numerous U.N. Security Council Resolutions to comply fully with the Tribunal's orders, failed to issue visas to allow ICTY investigators into Kosovo and the rest of Serbia, and failed to transfer or facilitate the surrender to the Tribunal of persons on Serbian territory indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. Instead, the Milosevic regime openly harbored indicted war criminals—three of whom the Government openly acknowledged were present on Serbian territory—and publicly rejected the Tribunal's jurisdiction over events in Kosovo. In May Milosevic and four top lieutenants were indicted by the ICTY in connection with the regime's brutal campaign against the citizens of Kosovo. Violence and discrimination against women remained serious problems. Discrimination and violence against ethnic Albanians, Muslims, Roma, and other religious and ethnic minorities worsened during the year. Police repression continued to be directed against ethnic minorities and police committed the most widespread and worst abuses against Kosovo's 90 percent ethnic Albanian population. Police repression also was directed against Muslims in the Sandzak region and other citizens who protested against the Government. The regime limits unions not affiliated with the Government in their attempts to advance worker rights. There was some child labor and the country served as a transit point for trafficking in women and girls.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Political violence, including thousands of killings by police, became a significant problem in the first 6 months of the year as a result of the conflict in Kosovo (see Sections 1.a. and 1.g. in Kosovo annex). In addition instances of apparently politically motivated killings occurred in central Serbia. In April Slavko Curuvija, the publisher of the independent Belgrade-based tabloid, Dnevni Telegraf and the news biweekly Evropljanin was murdered outside his apartment by unidentified assailants. On October 3, a suspicious accident occurred involving a car transporting prominent Serbian opposition politician Vuk Draskovic. Draskovic's Serbian Renewal Movement claimed credibly that the incident was an attempt on his life by the regime. Although Draskovic sustained only minor injuries, Draskovic's brother-in-law Veselin Boskovic, director of the Belgrade Directorate for Construction, and three of Draskovic's bodyguards died in the crash.

VJ troops in Montenegro committed extrajudicial killings (see Section 1.a. in Montenegro annex).

According to an international human rights NGO, at least five persons died from abuse in prison during 1998 in Serbia. The number of deaths from prison abuse during the year was probably significantly higher.

The Federal Government, in contravention of repeated U.N. Security Council resolutions, denied investigators from the ICTY access to any part of Kosovo during the first 6 months of the year and prevented them from undertaking a thorough and independent investigation into atrocities committed in Kosovo during 1998 and the first half of 1999, which fall under the Tribunal's jurisdiction (see Section 4).

In November a Serb police car hit a land mine near the Serbian side of the border with Kosovo, resulting in three deaths and leaving six persons injured. In the border region near Kursumlija since June, there were 16 attacks attributed to Kosovo Liberation Army members (KLA) or ethnic Albanians, who killed 6 persons (including the 3 policemen) and wounded 7 others.

b. *Disappearance.*—There were reports of thousands of disappearances of individuals from Kosovo during the first six months of the year (see Section 1.b. of Kosovo annex). Thousands of Kosovar Albanians reportedly were incarcerated in prisons in Central Serbia during and following the conflict in Kosovo. Federal and Serbian government authorities have not cooperated fully with efforts to account for the missing or allowed the International Committee of the Red Cross (ICRC) or other international organizations access to many detention facilities, but have released some prisoners in return for cash payments from relatives. However, the ICRC was allowed to visit more than 1,600 prisoners.

VJ troops in Montenegro abducted Kosovar refugees (see Section 1.b. in Montenegro annex).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other cruel forms of punishment; however, Serbian security authorities regularly and systematically used torture, beatings in detention, and other forms of abuse against citizens, especially the ethnic Albanian population in Kosovo during the first 6 months of the year. Serb security forces engaged in rape

of Albanian women in Kosovo (see Section 1.c. of Kosovo annex). Aside from the brutal conduct of security forces against the Albanian Kosovar community, the worst police brutality takes place during the 3 to 4 day period of incommunicado detention allowed by law. At least five men died in custody in 1998—all individuals who were in good health prior to their detention by Serbian police, according to international human rights groups. It is likely that the number of deaths in custody during the year was much higher. Evidence of torture in detention is widespread.

In the first half of the year, in addition to and prior to the regime's brutal campaign of ethnic cleansing, ethnic Albanians continued to suffer at the hands of security forces conducting searches for weapons, ammunition, and explosives. The police, without following proper legal procedures, frequently extracted "confessions" during interrogations that routinely include the beating of suspects' feet, hands, genital areas, and sometimes heads. The police use their fists, nightsticks, and occasionally electric shocks. Apparently confident that there would be no reprisals, and in an attempt to intimidate the wider community, police often beat persons in front of their families. There has been virtually no prosecution of those responsible. According to various sources, while Kosovo remained under Serbian control, ethnic Albanians frequently were too terrified to ask police to follow proper legal procedures—such as having them provide written notice of witness interrogation. In some cases, Serbian police also used threats and violence against family members of suspects and held them as hostages (see Section 1.c. of Kosovo annex).

On July 6, police beat and used tear gas on some 2,000 protesters who assembled at a police station in Leskovac to call for Milosevic's resignation and the release of a local television broadcaster, Ivan Novkovic. Novkovic was detained for broadcasting allegations of corruption against a regional official and for urging protests that occurred on July 6 and drew some 20,000 participants (see Section 2.b.). According to media reports on July 8, Leskovac district governor Zivojin Stefanovic threatened a human rights activist with a gun, and police detained the activist's brother, who had organized the demonstrations (see Section 1.d.).

On September 29, riot police in Belgrade used batons and water cannons to disperse some 30,000 demonstrators who were calling for greater democracy in the country. Dozens of demonstrators, and several journalists were injured. Reportedly cameramen for international news agencies were beaten and their cameras were destroyed. After 8 days of peaceful protests, police used force after demonstrators started marching toward the Dedinje district, where Milosevic's residence and office are located. According to the Interior Ministry, "hooligans" attacked police officers with bricks, stones, and sticks and injured five officers. Police subsequently arrested several members of the opposition Social Democratic Party in their Belgrade offices, along with other activists (see Section 2.b.).

On September 30, Belgrade police again used force against antigovernment protesters. According to press reports, some 50,000 persons demonstrated, and police beat protesters and injured some 30 persons, including a 7-year-old girl, as they tried to disperse the crowd. According to an official government statement, "hooligans" attacked police officers with stones, bricks, and glass bottles, and police arrested some 21 persons.

On October 13, police officers in Belgrade rushed into a crowd of demonstrators and beat three persons, including a photographer for a foreign news agency. According to press reports, police officers beat a few other persons when a small scuffle broke out.

On October 14, riot police beat some 10 protestors in Nis, who had gathered along a street in Nis along which buses full of SPS supporters were to pass. The SPS supporters came to Nis to listen to Serbian President Milutinovic, who was reopening a bridge that was damaged by NATO air strikes. Reportedly one protestor was taken away in an ambulance.

On October 13, some 30 young men attacked antigovernment protestors in Belgrade and injured at least 5 of them. Some 100 protesters had gathered in front of a Belgrade hotel, when a few cars stopped, and young men jumped out of the cars and started beating and kicking the protesters.

On October 17, a leader of the opposition Democratic Party in Valjevo reported that a bomb exploded on the balcony of his home and damaged the entrance to the house.

Prior to the conflict with NATO, prison conditions met minimum international standards. Nevertheless, according to human rights monitors based in Belgrade, prison conditions are deteriorating, in part due to declining state resources. There were few confirmed reports of the abuse of prisoners once they were sentenced and serving time. The vast majority of cases of torture occur before detainees are charged with offenses or during the period between the filing of charges and the commencement of the trial.

Although the Government generally had permitted prison visits by human rights monitors with sporadic access often subject to the whim of local officials, access was poor for much of the year, although it improved slightly after the conflict. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals reportedly held by Serbian police, especially draft evaders and Kosovar Albanians—perhaps several thousand—whom retreating security forces transferred from Kosovo after hostilities ceased. However, the ICRC had no access to or information about persons detained in military detention facilities at year's end. The Government acknowledged that it held as many as 1,900 Kosovar Albanians in Serbian jails, most of whom were transferred there from Kosovo in early June before NATO's arrival in the province. The 1,900 ethnic Albanians, some 200 of whom were released by year's end, were being held in 13 facilities, and all of them were visited by the ICRC at least once during the year.

d. *Arbitrary Arrest, Detention, or Exile.*—Police use of arbitrary arrest and detention was concentrated primarily in Kosovo and, to a lesser degree, in Sandzak. Serbian police often apply certain laws only against ethnic minorities and used force with relative impunity. Sandzak Muslims as well as Kosovo Albanians were subjected to trumped up or exaggerated charges, ranging from unlawful possession of firearms to willfully undermining the country's territorial integrity (see Section 1.d. of Kosovo annex).

Laws regarding conspiracy, threats to the integrity of the Government, and state secrets are so vague as to allow easy abuse by the regime. Two Australian aid workers for Care International and a local employee were charged with spying in April. Following their convictions and after serving part of their sentences, the Australians were released in the fall and the local employee was released in December. The case was widely regarded as an attempt by the Government to coerce the Government of Australia to withdraw its support for the NATO bombing campaign.

Federal statutes permit the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. The police often combine the two for a total 4-day detention period. After this period, police must turn over a suspect to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention up to 6 months.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges in Serbia often delegated their responsibility for carrying out investigations to the police or members of the state security service and rarely questioned their accounts of the investigation—even when it was obvious that confessions were coerced from the accused. Results of such sham investigations then were used in court to convict defendants on trumped up charges.

Dozens of foreign journalists who were reporting on the beginning of NATO airstrikes in March were detained by authorities, had their operations shut down, and were deported (see Section 2.a.).

In July local television broadcaster Ivan Novkovic was detained in Leskovac for broadcasting allegations of corruption involving a district official and encouraging citizen protests which occurred on July 6 and drew some 20,000 participants (see Section 2.b.). Pavic Obradovic, the brother of Social Democracy leader Vuk Obradovic, was detained briefly in connection with the protest.

On July 1 police in Novi Sad arrested four members of the opposition League of Social Democrats of Vojvodina. The four were distributing leaflets calling on residents to participate in a demonstration in Uzice on July 2.

On July 1, the Office of the Military Prosecutor issued a warrant for the arrest of Democratic Party leader Zoran Djindjic for not responding to the draft call during the Kosovo conflict. Djindjic instead went into hiding in Montenegro. In early July Djindjic returned to Belgrade, and in August military prosecutors dropped the draft evasion charges against him. Also in July, a military court in Uzice sentenced Goran Vesic, a Democratic Party activist and Belgrade city councilman, to 2 years in prison for evading the draft and for high treason. Vesic denied that he had received a draft notice.

On July 8, following several days of protests against the government in Leskovac, police detained one of the protest's organizers (see Sections 1.c. and 2.b.). On July 15, a Leskovac court continued proceedings against nine participants in an

antigovernment protest. The nine were charged with allegedly damaging the home of a pro-Milosevic official during a recent demonstration.

After police used force against antigovernment protesters in Belgrade on September 29, police detained several members of the Social Democratic Party, including Pavic Obradovic, as well as other opposition activist (see Sections 1.c. and 2.b.).

In December police arrested Teki Bokoshi, an ethnic Albanian defense attorney, who is defending many Kosovar Albanians detained in Serbian prisons. Bokoshi was arrested as he was traveling back to Belgrade after visiting clients in Sremska Mitrovica.

VJ troops in Montenegro detained Kosovar refugees and journalists (see Section 1.d. in Montenegro annex).

An estimated 1,900 to as many as 7,000 prisoners from Kosovo still are detained in prisons in Serbia. Following the conflict, the ICRC, the only international organization with access to Serbian prisons, was able to secure the release of 166 Kosovar Albanian prisoners on June 27 and 54 prisoners on October 4.

Exile is not permitted legally, and no instances of its use are known to have occurred. However, the authorities attempted to ethnically cleanse Kosovo of its ethnic Albanian population in the mass expulsion of citizens during the spring campaign, during which authorities confiscated the identity documents of citizens who fled the province to the Former Yugoslav Republic of Macedonia (FYROM) and Albania. Also, the practical effect of police repression in Kosovo and Sandzak has been to accentuate political instability, which in turn has limited economic opportunity. As a result, many ethnic Albanians and Bosniak Muslims went abroad to escape persecution even before the outbreak of hostilities. In only a few cases could direct links to police actions be identified.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice, Federal and Serbian courts largely are controlled by the Government and rarely challenge the will of the state security apparatus. Judicial corruption is also widespread. While judges are elected for fixed terms, they may be subjected to governmental pressure. Serbian authorities frequently deny fair public trial to non-Serbs and persons whom they believe oppose the regime. The fraud that followed the November 1996 municipal elections was perpetrated mainly through the regime's misuse of the judicial system.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic supreme court decisions, depending on the subject, may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remains in force. Considerable confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants have the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. The presiding judge decides what is read into the record of the proceedings. Either the defendant or the prosecutor has the right to appeal the verdict.

Although generally respected in form, defense lawyers, especially those representing minority clients, have filed numerous complaints about flagrant breaches of standard procedure, which they believed undermined their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints.

The Government continues to pursue cases previously brought against targeted minority groups under the Yugoslav Criminal Code for jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities—that is, undermining the "constitutional order." Most of the cases involved alleged violations under the Federal Penal Code's Article 136 related to "association to conduct enemy activity, or Article 125 concerning "terrorism." There is no clear estimate as to how many persons remain imprisoned on these charges (see Section 1.d.). Among the most prominent is the case of Dr. Flora Brovina of Pristina, who was transferred from Kosovo to Nis in early July, tried and convicted on such charges, and in December sentenced to 12 years of incarceration.

Generally, the evidence in such cases was inadequate, and the defendants largely were denied timely access to their attorneys. In Kosovo in the first 6 months of the year, Serb judges in the municipal and district court system reportedly lacked impartiality in trying ethnic Albanian defendants and much evidence appeared to have been obtained by authorities through forced confessions of defendants under duress (see Section 1.e. of Kosovo annex).

Many legal scholars have expressed concern over the Act on Lawyers, passed in July 1998, which they believe restricted the freedoms of lawyers and interfered with the independence of lawyers in their dealings with clients. They believed that the law gives too much authority to the lawyers' chambers—both at the republic and federal levels—which the Helsinki Committee alleges would enable the regime to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law also enabled the regime to interfere with the lawyer-client relationship, which, even during the Communist era, was upheld to a greater degree.

Ukshin Hoti, leader of UNIKOMB, a political party that advocates Kosovo's unification with Albania, was in detention for the entire year. Hoti was in a Nis jail and was reportedly in poor health. His lawyers have been denied access to him since February 1998. Hoti was serving a 4-year sentence in a prison in Nis and was to be released on May 17. However, the Pristina-based Council for Human Rights was unable to locate Hoti as of July.

Since 1998 republic-level judges no longer have mandates for life and are required to seek office periodically through election. This process involves obtaining Justice Ministry approval for each judge's candidacy. Local observers fear that the provision in effect makes judges functionaries of the regime, easily removed if they do not cooperate.

The Government continues to hold some ethnic Albanians as political prisoners, with estimates ranging from 1,900 to 7,000.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The authorities infringed on citizens' privacy rights. Federal law gives republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that routinely is abused. It is widely believed that authorities monitor opposition and dissident activity, eavesdrop on conversations, read mail, and wiretap telephones. Access to international e-mail has been granted exclusively to one server, a company controlled by an associate of President Milosevic's. Although illegal under provisions of federal and Serbian law, the federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

Although the law includes restrictions on searches, officials often ignored them. In Kosovo, prior to the establishment of U.N. authority over the province, and in Sandzak, Serbian police systematically subjected ethnic Albanians and Muslims to random searches of their homes, vehicles, shops, and offices. Police explained their actions by asserting that they were searching for weapons. The police carried out scores of such raids on homes, including in areas not affected by the fighting. Police used threats and violence against family members of suspects (see Section 1.c.).

Serbian security forces systematically destroyed entire villages in Kosovo by burning and shelling houses, contaminating water wells, and killing livestock (see Section 1.g. of Kosovo annex).

A government law requiring universal military service is enforced only sporadically; it was not enforced vigorously during the year. The informal practice of the military has been not to call up ethnic Albanians. However, in Montenegro VJ troops forcibly conscripted youths (see Section 1.f. of Montenegro annex). Of approximately 100,000 draft evaders living abroad at the start of the year to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in the FRY's Albanian community. Leaders of Kosovo's Albanian and Sandzak's Muslim communities maintained that when forced compliance of these groups with universal military service did occur, it was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to the FRY their cases would be reviewed on a "case-by-case" basis, a policy that has not inspired confidence among offenders. A law passed in October 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance. In many cases FRY officials have refused to issue proper travel documents to children born to asylum seekers (see Section 2.d.).

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—The conflict in Kosovo placed civilian populations on both sides of the ethnic divide in an unusually vulnerable position. The excessive and indiscriminate use of force by Serbian police forces and the Yugoslav Army resulted in widespread civilian casualties, and the mass forced displacement of up to 1.3 million persons (see Section 1.g. in Kosovo annex).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and the Press.*—Federal law provides for freedom of speech and of the press; however, the Serbian and Federal Governments severely restricted

this right in practice. During the year, the Milosevic regime continued its unprecedented repression of these freedoms that it began in 1998.

The regime cracked down on the independent media. On April 11, Slavko Curuvija, the publisher of Dnevi Telegraf, was shot and killed by unidentified gunmen outside his apartment building (see Section 1.a.). He had been harassed numerous times by Serbian authorities during the preceding months; his newspaper had been fined in March, and he had been sentenced to 5 months in jail for refusing to pay the fine, although he was still waiting for the results of his appeal at the time of his murder. Several days before his murder, a commentary that was broadcast on state television attacked Curuvija and accused him of supporting NATO's bombing of Serbia. The newspaper was closed down following Curuvija's death.

The federal and Serbian authorities' efforts at intimidation also spread to Montenegro, where Miodrag Perovic, head of the independent weekly Monitor and Antenna M Radio, went into hiding in April to avoid capture by the VJ. Radio Free Montenegro head Nebojsa Redzic also went into hiding in May. The army had issued warrants for both men's arrests.

On September 29, police in Belgrade beat and injured several journalists who were reporting on antigovernment protests. Cameramen for international news agencies were beaten and their cameras were destroyed. Dozens of foreign journalists who were reporting on the beginning of NATO airstrikes in March were detained by authorities, had their operations shut down, and were deported.

In July police in Cacak confiscated a tape recording made by a correspondent for Radio Free Europe/Radio Liberty. The journalist was covering opposition activities in the town.

The Serbian Government issued a decree in October 1998 that effectively allowed press censorship. The decree reflected a recognition of the threat to the regime of the free flow of information and ideas on issues related to the situation in Kosovo and the possibility—at that time—of a conflict with NATO. In October 1998, it later passed a new information law, which incorporated many of the decree's strict provisions and left the country's independent media severely constrained. Under the law, private citizens or organizations can bring suit against media outlets for printing materials not sufficiently patriotic, or "against the territorial integrity, sovereignty, and independence of the country." Media outlets also can be fined for publishing items of a personal nature without the consent of the individual concerned (an apparent reference to political cartoons). The rebroadcast of foreign news programs, including from the British Broadcasting Corporation and the Voice of America, was banned. Media outlets whose practices do not conform to the new law may be subjected to exorbitant fines, which must be paid within a 24-hour period. For example, Radio Pancevo was fined the dinar equivalent of nearly $40,000 for "use of state owned frequencies" in July. The station was known for its factual, if cautious, reporting on the war in Kosovo. In March authorities fined the newspapers Glas Javnosti, Danas, and Blic a total of some $45,000 (Din 770,000) for publishing a statement by the Belgrade city "shadow government" which accused the city's cultural secretary of responsibility for a decline in the city's cultural institutions. On September 11, a court fined Cacanski Glas $13,500 (Din 350,000) on criminal charges for an article which reported the charges made by opposition leader Vuk Draskovic against a local financial official. The official concerned earlier won some $22,600 in damages in a civil suit against Cacanski Glas.

In June, the FRY Parliament passed an amendment to the Law on the Yugoslav Army that granted the Minister of Defense "broad powers" over information and telecommunications for "the needs of defense." The amendment relaxed somewhat the level of control over the media, but nevertheless envisioned the Government's ability to sanction media that do not serve "the needs of reconstruction." During the "State of War," the Serbian Information Ministry and a special military Office for Information and Morale sought to control editorial content and commentary by providing the media with regular guidance that included "approved adjectives" and terms for use in the printed media. Special censors were deployed to printing houses to ensure compliance with guidance.

In January authorities took control of the only regular economic publication in Serbia, Ekonomska Politika, by installing a government-approved editor and announcing that it would be a part of the Borba publishing house. To protest the takeover, 11 of the 15 staff members of the magazine left and launched a new economic weekly.

Television and radio stations, including the independent city radio in Nis and STV Negotin, remained shut down during the year, as a result of the regime's manipulation of confusing regulations governing frequency allocations. Radio Contact in Pristina was shut down through June while Kosovo was still under Serbian government administration. The deliberate vagueness of the relevant laws often is utilized

to penalize independent electronic media outlets. Radio and television stations are harassed bureaucratically according to their political orientations. Instead of obtaining long-term licenses to broadcast, stations receive only 1-year temporary licenses, if they receive a license at all. The bureaucratic procedures are so difficult that stations frequently cannot fulfill all of the requirements—leaving them at the mercy of the regime. For example, under current law, to obtain a license to broadcast, a station must obtain the approval of a government "construction inspector" for its office space. However, to obtain a construction inspector's approval, a station needs a broadcast license. In June VK Radio in Kikinda was closed down twice in 3 days. Serbian police gave a number of implausible explanations for the closures.

In addition to license issuance problems, those stations that do obtain licenses are forced to pay exorbitantly high fees, the nonpayment of which is enforced selectively by Serbian authorities to close down those stations that do not adhere to the Government's line. In January in the city of Cacak, which is controlled by an opposition mayor and city council, TV Cacak was shut down, even though the station operators claimed that they had paid for all licenses and fees. There is speculation that authorities closed the station because it was rebroadcasting satellite programming from Montenegro, which was funded by European Union (EU) countries. However, an attempt to confiscate the station's equipment was thwarted by an angry group of Cacak residents. The station resumed operations in the fall.

Although there were some independent television and radio stations operating throughout the country, their broadcasts typically could not be received beyond the major cities. The only network covering the entire country is the Serbian State Television and Radio Network RTS. An estimated one-third of the population of Serbia only receives RTS, the official voice of President Milosevic. When the NATO campaign started in March, the Milosevic regime took additional steps to close down any remaining independent stations that refused to fall in line with progovernment programming. B92, the main source of independent news in Belgrade since its founding in 1989, was shut down in late March. Police detained B92 editor in chief Veran Matic for questioning and confiscated some of the station's broadcasting equipment. It went back on the air on April 13, but under new, pro-Milosevic management. As a result, the entire staff walked out and worked in subsequent months to establish a new radio station. The new station (renamed B292 since the government-backed B92 still was operating) now broadcasts out of Studio B, which is run by the opposition party controlled city government of Belgrade. Prior to the start of the NATO bombing campaign in March, the general manager of Soko TV in Soko Banja was sentenced to 12 months in jail for displaying a B92 logo on the station's door. Novi Sad Radio 021 was shut down in April.

According to independent media sources, most journalists practice self-censorship in an effort to avoid a violation under the media law. Journalists had been informed that printing anything that was not true—even an advertisement or a death announcement—could be punished under the information law. One independent newspaper reported in 1998 that it was publishing half as many articles as usual out of fear of punishment. The weekly Zrenjanin decided not to report public statements after it was sued in 1998 for publishing false statements made at a press conference, since such comments cannot be verified easily.

In January Dejan Anastasijevic, a well-respected journalist for the independent weekly Vreme, was brought into a preliminary hearing in a criminal court. His crime was allegedly "misinforming" the public in a March 1998 article about the Likosane Massacre in Kosovo.

In July a court issued orders for two journalists for Dnevi Telegraf to report to jail to begin their 5-month sentences for a December 1998 article they wrote which linked a Serbian deputy prime minister to a murder. The two originally had been sentenced in March.

Throughout the year, Serbian police systematically intimidated printing houses to prevent them from printing independent newspapers. According to the editor of the independent newspaper Glas Javnosti, authorities shut down the newspaper in the fall after it printed a pamphlet entitled, "Changes," which was distributed at antigovernment protests in Belgrade which began on September 21. The newspaper was published again on October 4, after a 2-day ban by authorities. However, the authorities' harassment of the independent newspaper continued with an investigation by the state financial police. The Ministry of Information also sued publisher Slavoljub Kacarevic of ABC Grafika (which publishes Glas Javnosti) for printing the pamphlet without the Ministry's permission.

VJ troops in Montenegro sought to restrict press freedom (see Section 2.a. in Montenegro annex).

Montenegrin newspaper publishers not friendly to the Belgrade regime frequently had their newspapers removed from trains and buses entering Serbia (see Section 2.d.).

In May 1998, the Serbian Parliament passed the new Universities Law. It severely curtails academic freedom by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors—in effect taking away tenure and promoting regime loyalists inside the universities. The law also discourages political activism among students, who were a mainstay of the antigovernment protests of 1996–97. According to the Belgrade Center for Human Rights, some 22 professors were fired and 30 were suspended after the law went into effect for refusing to sign new contracts. In January unknown persons sent threatening letters and made death threats to six student activists and one professor at Belgrade University. The students took part in a series of student protests that took place in 1996 and evidently prompted the crackdown by the Government. In July the Serbian Ministry of Education began prohibiting students from Montenegro from enrolling at Belgrade University, where they traditionally have gone for higher education. Instead, the university began to give preference for admission to Serb soldiers returning from Kosovo and their families.

On November 9, police used forced to disperse an antigovernment demonstration organized by the student opposition movement Otpor in Belgrade and injured some 50 demonstrators.

b. *Freedom of Peaceful Assembly and Association.*—Federal and republic level Constitutions provide for freedom of peaceful assembly and association; however, the Serbian and Federal Governments restrict this right. The Government imposed a state of war on the republic at the start of the conflict in March and lifted it on June 26. However, an edict prohibiting gatherings and demonstrations remained in force and was applied stringently by the security forces.

Serb refugees from Kosovo demonstrated in Belgrade on June 21. Authorities sentenced two leaders of the demonstration to 30 days in jail. Authorities detained four opposition activists in Novi Sad on July 2 for handing out leaflets advertising an antigovernment rally. The activists were part of the League of Social Democrats of Vojvodina, who were planning a demonstration as part of a series of anti-Milosevic rallies that week. Police in Uzice banned an antigovernment demonstration on July 6 and used force to prevent the erection of a sound system. However, demonstrators overwhelmed the police and succeeded in setting up speakers. On July 6, police beat and used tear gas on some 2,000 protesters who had assembled at a police station in Leskovac to call for Milosevic's resignation and the release of a local television broadcaster, Ivan Novkovic. Novkovic was detained and sentenced to 30 days' imprisonment for broadcasting allegations of corruption against a local official and inciting rebellion in connection with his urging citizen protests that resulted a July 6 rally with some 20,000 participants. Police in Cacak banned an opposition demonstration that was planned for July 29 and claimed that the organizers did not provide the proper paperwork; the organizers went ahead with the demonstration anyway.

After the conflict in Kosovo ended, democratic opposition groups became more vocal and organized a series of demonstrations in major cities throughout Serbia. Fueled by discontent over Serbia's defeat in the Kosovo conflict, the Alliance for Change, a coalition of democratic opposition parties, organized rallies demanding elections and Milosevic's resignation. The first major rally was held on August 19 in Belgrade, with 100,000 participants. In September additional rallies were held, which continued for weeks. Security forces were deployed to numerous locations and reportedly used force to disperse the crowds and block the demonstrators' advance, especially during the September 29, September 30, and October 13 demonstrations (see Section 1.c.). There were also reports of police openly beating correspondents attempting to cover the demonstrations. Police arrested 21 protestors on September 30. Police in Nis also beat antigovernment protesters on October 14. Police also blocked the path of protestors in Belgrade on October 4 and October 6. The Federal and republic level Constitutions provide for freedom of association; however, the Serbian and Federal Governments restricted this right. Prior to the most recent Serbian elections, in the fall of 1997, officials blocked the Coalition Sandzak leader, Dr. Rasim Ljajic, from forming an alliance with the Kosovo-based Democratic Reform Party of Muslims, a move that protected regime candidates from additional competition.

c. *Freedom of Religion.*—The law in both the FRY and Serbia provides for freedom of religion; however, in practice both the Government and the legal system provide very little protection for the religious rights of minority groups.

There is no state religion, but the Milosevic regime gives preferential treatment, including access to state-run television for major religious events, to the Serbian Or-

thodox Church to which the majority of Serbs belong. The regime subjected religious communities in Kosovo to harassment (see Section 2.c. in Kosovo annex).

Tensions between the Church elders and the Milosevic regime intensified during the year, as religious leaders such as Bishop Artemije repeatedly opposed Serbian government policies and called for reconciliation with ethnic Albanians. In early June, the Holy Synod of Bishops called for the resignation of President Milosevic and his Government, while at the same time asking for the protection of Serb citizens and holy sites in Kosovo. In late June, Patriarch Pavle criticized the Government and its actions even further, saying that its policies were criminal.

A new piece of republic legislation to regulate the actions of religious communities is reported to be under consideration, but it has not yet been published. The Minister of Religious Affairs Milovan Radovanic was quoted as saying, "through its agencies the State needs to prevent the activity of destructive and totalitarian religious sects, diverse psycho-organizations, commercial cults, and other organizations with asocial influence on the society and family." Observers believe that this law could provide the pretext of legitimacy for the regime to impose even harsher restrictions on the practice of other religions besides the Serbian Orthodox Church.

Police repression continued to be directed against ethnic and religious minorities, and police committed the most widespread and worst abuses against Kosovo's 90 percent ethnic Albanian population. Police repression also was directed against Muslims in the Sandzak region. Refugees reported that mosques and religious sites were attacked or destroyed by Serbian forces in at least 21 villages and towns in Kosovo in the spring. Religious sites also served as shelter for ethnic Albanians during the conflict. On March 28, 200 ethnic Albanians who had sought sanctuary in the Albanian Catholic Church of Pec were removed and forced by MUP forces to leave town (see Section 2.c. in Kosovo annex).

The Serbian Government made no progress in the restitution of property that belonged to the Jewish community, despite President Milosevic's promises to resolve the disputes. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement; however, the Federal and Serbian Governments restrict this right in practice. The FRY Government makes passports available to most citizens; however, the authorities have barred FRY citizens from reentering the country. The Milosevic regime continued to restrict the right of Kosovar Albanians in the first 6 months of the year, and of Sandzak Muslims, to travel by holding up the issuance or renewal of passports for an unusually long period of time. It also reserves the option of prosecuting individuals charged previously with violating exit visa requirements (see Section 2.d. in Kosovo annex).

Citizens reported difficulties at borders and the occasional confiscation of their passports. Ethnic Albanians, Sandzak Muslims, and Vojvodina Croats frequently complained of harassment at border crossings. Sandzak Muslims were detained routinely on their arrival at local airports. There were reports in March that authorities prevented several buses of Sandzak Muslims seeking refuge in Bosnia and Herzegovina from leaving the country. Sandzak Muslims who crossed the border with Bosnia and Herzegovina by car reported that they had to pay approximately $165 (DM 300) to border guards in order to be permitted to leave the country. Starting in March police at bus stations and borders prevented men between the ages of 16 and 50 from leaving the country since they were subject to military service. There were numerous reports that border guards confiscated foreign currency or passports from travelers, as well as occasional complaints of physical mistreatment. The authorities generally allowed political opposition leaders to leave the country and return. FRY embassies overseas generally are considered to apply a double standard in issuing passports to their citizens; ethnic Serbs have a much easier time obtaining passports than members of ethnic minorities.

VJ troops in Montenegro restricted freedom of movement (see Section 2.d. in Montenegro annex).

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship in the FRY, leaving them in a stateless limbo.

The FRY Government has been very slow to issue passports to refugees. This is a particular problem for asylum-seeking parents. For example, German authorities issue such children born in Germany a document certifying their birth. FRY officials in Germany refuse to issue passports to such children. When these asylum seekers who have been refused in Germany return to the FRY with their children, the children travel on the basis of this document. FRY authorities take the paper at the port of entry and issue a receipt for it. Then the children have no documentation

in a country where documentation is a basic requirement. In January 1997, a new citizenship law entered into force, which, when fully implemented, is expected to affect adversely the rights of many inhabitants, including those born in other parts of the former Yugoslavia, refugees, and citizens who migrated to other countries to work or seek asylum.

The U.N. Special Rapporteur for the former Yugoslavia noted in 1997 that the new law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of persons; refugees who have been granted citizenship since 1992 may stand to lose their FRY citizenship if they have acquired the citizenship of a former Yugoslav republic.

Observers in the Sandzak region also noted that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they obtained Bosnian passports in the interim. In violation of the Dayton Accords, Muslims from Sandzak frequently have been harassed on attempting to reenter Serbia after visits to Sarajevo or elsewhere in the Federation entity of Bosnia and Herzegovina.

As part of its campaign to undermine the reform government in Montenegro, the Milosevic regime also implemented a commercial blockade against the FRY's junior republic, a direct violation of the FRY Constitution's protection of the free flow of goods. Businesses frequently had their goods confiscated without cause by Serbian police. Newspaper publishers not friendly to the regime frequently had their papers removed from trains and buses entering Serbia (see Section 2.a.).

The FRY Government cooperated to a large extent with the Office of the U.N. High Commissioner for Refugees (UNHCR) in assisting (predominantly Serb) refugees who fled to the FRY from neighboring Croatia and Bosnia-Herzegovina.

The Government generally cooperates with the UNHCR. There were no reports of the forced return of persons to a country where they feared persecution during the year.

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

Federal and Serbian Constitutions provide for this right; however, in practice citizens in Serbia are prevented from exercising it by the Milosevic regime's domination of the mass media and manipulation of the electoral process. Through its control of the purse strings of the Serbian republic, the regime sought to undermine the effectiveness of the opposition leadership of most major cities.

The most recent Serbian elections, held in the fall of 1997, were flawed seriously. According to a 1998 study by the Belgrade-based Center for Free Elections and Democracy, both rounds of the Serbian presidential elections in September and December 1997 involved widespread fraud. In the latter campaign, the Center estimated that 500,000 votes were stolen to give the victory for the Serbian presidency to Milosevic ally Milan Milutinovic. Several disaffected SRS members charged in the fall of 1998 that the Milosevic regime had extracted mandates from the Radical Party of Serbia in exchange for giving the Radical Party a role in the Government.

Earlier, in July 1997, the regime gerrymandered electoral districts to smooth the way for candidates in the ruling coalition, expanding the number of districts in Serbia from 9 to 29. Most opposition politicians charged that changes in the election law, including the redrawing of districts, were designed specifically to favor the ruling party. The redistricting was one factor that compelled a number of opposition parties to boycott the last Serbian elections.

A key figure in the fraud that followed the November 1996 municipal elections, which was perpetrated mainly through the regime's misuse of the judicial system, was the president of the First Belgrade Municipal Court Dragoljub Jankovic, who currently is serving as the Serbian Justice Minister. Despite the Montenegrin Government's legal rights under the FRY Constitution, federal authorities under Milosevic's control by year's end had not recognized the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the speaker of the upper house, were not changed to reflect the results of Montenegrin elections. Moreover, in violation of past practice, in which Montenegrin republic authorities had played a major role in identifying the federal prime minister, in 1998 Milosevic installed Momir Bulatovic as Federal Prime Minister and ignored the Montenegrin Government's wish to have some voice in who was picked for this key position in the Federal power structure.

No legal restrictions exist on women's participation in government and politics, and women are active in political organizations; however, they are underrepresented

greatly in party and government offices, holding less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. An exception is the controversial Mira Markovic, wife of Federal President Milosevic. She is the leading force in the neo-Communist Yugoslav Left Party (JUL), through which she exerts extraordinary and disproportionate influence on policy makers.

No legal restrictions affect the role of minorities in government and politics, but they are underrepresented, and ethnic Serbs and Montenegrins dominate the country's political leadership. Few members of other ethnic groups play any role at the top levels of government or the state-run economy. Ethnic Albanians in Kosovo refused to take part in the electoral process at the Serbian republic and federal level, including most recently in Serbian elections in 1997. They have virtually no representation in the Serbian republic and FRY government structures.

Ethnic Albanians' refusal to participate in FRY and Serbian elections had the practical effect of increasing the political influence of President Milosevic and his supporters.

Ultranationalist parties, including Milosevic's coalition partner the Radical Party of Serbia, also took advantage of the ethnic Albanian boycott to garner representation beyond their numbers.

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

The Government formally maintains that it has no objection to international organizations conducting human rights investigations on its territory. However, the Serbian regime routinely hindered the activities of and regularly rejected the findings of human rights groups. With some exceptions, the Milosevic Government's Federal Ministry of Foreign Affairs systematically denied visas to international nongovernmental human rights organizations.

A number of independent human rights organizations operate in the country, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Center and Center for Antiwar Action researches human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In Kosovo the Council for the Defense of Human Rights and Freedoms (CDHRF) collects and collates data on human rights abuses and publishes newsletters. A number of reliable international human rights monitors reported that one worker of the CDHRF was missing at year's end, and that all the organization's workers were harassed routinely and severely, and were distrusted by Serbian authorities during the first 6 months of the year (see Section 4 in Kosovo annex). In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

Local human rights monitors (Serbs as well as members of ethnic minorities) and NGO's worked under difficult circumstances.

Prior to the commencement of hostilities, a number of independent human rights organizations operated in the FRY, including in Kosovo, researching and gathering information on abuses, and publicizing such cases. The Pristina-based Helsinki Committee was active in monitoring human rights abuses in Kosovo and cooperated with similar organizations based in Belgrade.

NGO's reported blockages to the delivery of humanitarian commodities to and throughout Kosovo prior to the outbreak of hostilities with the international community in March. The Mother Teresa Society, a local humanitarian aid NGO, reported consistent harassment and detention of its staff while Serbian authorities administered the province.

ICRC officials complained in 1998 of difficulties in securing access to detainees. However, by year's end ICRC officials reported that access to detainees improved and the organization was able to facilitate the return to Kosovo of some 200 ethnic Albanian prisoners who had been removed from Kosovo after hostilities ceased (see Section 1.d.).

During Serbian government administration of Kosovo, several NGO's and international organizations reported that they were experiencing unacceptable delays of up to a month or more in obtaining Serbian government approval of visas for international humanitarian aid workers for Kosovo.

In October 1998, the Government agreed to the establishment of the OSCE Kosovo Verification Mission (KVM). By the start of the year, the KVM had expanded to several hundred international verifiers, including human rights personnel, who verified civilian aspects of implementation of U.N. Security Council Res-

olution (UNSCR) 1199. However, when the situation in Kosovo further deteriorated in early spring, the KVM pulled its verifiers out of the province on March 19. Subsequently, as many as 20 former OSCE KVM local employees were arrested by Pristina police at the start of the conflict (see Section 4 in Kosovo annex).

As a signatory of the 1995 Dayton Accords that ended the war in Bosnia and Herzegovina, Serbia-Montenegro is obliged to cooperate fully with the ICTY by turning over to the Tribunal the persons on its territory, who were indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. Nevertheless, the Milosevic regime repeatedly has ignored the ICTY's orders to transfer indicted war criminals known to be living in Serbia, in open defiance of the U.N. Security Council, which created the Tribunal. Not only is Milosevic himself an indicted war criminal as a result of events in Kosovo, but in the 6 years since the Tribunal was established, the Milosevic regime has yet to transfer one Serbian or Bosnian Serb under indictment to the Hague. Some of those indicted live openly in Serbia, and others travel freely in and out of Serbia. It is widely believed that Ratko Mladic, indicted by the Tribunal in 1995 for his command and responsible role in crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war committed during the conflict in Bosnia and Herzegovina, continues to travel in and out of the country.

In addition to the continued violation of its obligations under repeated U.N. Security Council resolutions and its commitments under the Dayton Accords, the Milosevic regime's brutal crackdown in Kosovo prompted calls for the ICTY to conduct investigations into alleged atrocities committed there. The ICTY's jurisdiction is delineated clearly under UNSCR 827 of 1993 and many subsequent resolutions. Nevertheless, the Government also has rejected publicly the Tribunal's mandate in Kosovo and obstructed all efforts by the ICTY to investigate allegations of crimes in Kosovo. The Milosevic regime remained uncooperative, claiming that the violence in Kosovo does not constitute an "armed conflict."

The Milosevic Government's Federal Ministry of Foreign Affairs denied entry visas to investigators from the ICTY who wished to conduct impartial investigations into allegations of atrocities committed by Serbian forces and Albanian paramilitary groups in Kosovo.

As a result of their actions in Bosnia-Herzegovina and Kosovo, on May 26 the ICTY formally indicted as war criminals President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, FRY Deputy Prime Minister Nikola Sainovic, Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlajko Stojiljkovic.

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

While federal and republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

Women.—The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. The Center for Autonomous Women's Rights in Belgrade offers a rape and spousal abuse hot line, as well as sponsors a number of self-help groups. The Center also offered help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflict in the former Yugoslavia. Similar initiatives exist in Kosovo.

The country served as a source, transit, and destination point for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, have long subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgment.

Children.—The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. Economic distress has spilled over into both the educational system and the health care system, adversely affecting children.

Prior to the conflict in Kosovo, the division of Kosovo into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children.

In late 1998, international observers reported multiple incidents of police being stationed near schools in Kosovo. Albanian villagers had claimed that they were intimidated by the police presence and that consequently children would not return to those schools. Such incidents continued until hostilities escalated in March, effectively disrupting the parallel educational system. Ethnic minorities in some cases fear Serb state-run medical facilities, which results in a low rate of immunization and a reluctance to seek timely medical attention (see Section 5 of Kosovo annex).

The country served as a source, transit, and destination point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There is no societal pattern of abuse of children.

People With Disabilities.—Facilities for persons with disabilities are inadequate, but the Government made some effort to address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable. Serious discrimination against, and harassment of, religious minorities continued, especially in Kosovo and Serbian Sandzak (see Section 5 of Kosovo annex). There were several reported incidents of violence against the Catholic minority in Vojvodina, largely made up of ethnic Hungarians and a smaller Croat community.

National/Racial/Ethnic Minorities.—Ethnic Albanians in Kosovo and Muslims in central Serbia continued to be driven from their homes, often forcibly, or fired from their jobs on the basis of religion or ethnicity. Other ethnic minorities, including ethnic Hungarians in Vojvodina, also allege discrimination. Vojvodina Croats reported no progress during the year on their demand for separate curriculums in the schools or programs in the media in the Croatian language. However, an hour was set aside for programs in Croatian on the local radio station, Radio Subotica. Vojvodina Hungarians reported that the Government was eroding the principle of minority language education during the year, by banning foreign books and moving Hungarian schools far from the Hungarian population.

The Romani population generally is tolerated, and there is no official discrimination. Roma have the right to vote, and there are two small Romani parties in Serbia. However, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community. Skinheads and police occasionally violently attacked Roma (see Section 1.c.).

Section 6. Worker Rights

a. *The Right of Association.*—All workers except military and police personnel have the legal right to join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati) claims 1.8 million members but probably numbers closer to 1 million in reality. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has about 170,000 members. Most other independent unions are sector specific, for example, the Independent Union of Bank Employees (12,000 members). Due to the poor state of the economy, over one-half of union workers are on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to enable countrywide strikes. The independent unions also claim that the Government prevents effective recruiting through a number of tactics, which include preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions. Some foreign union organizers managed to secure visas during the year after long delays.

The largely splintered approach of the independent unions left them little to show in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in 1998 but did not lead any strikes in 1999 and focused instead on political action campaigns aimed at raising workers' political awareness. The official union lost credibility with some of its mem-

bers because it ultimately accommodated the Government's position on these strikes.

The ability of unions to affiliate internationally remains constrained.

b. *The Right to Organize and Bargain Collectively.*—While this right is provided for under law, collective bargaining remains at a rudimentary level of development. Individual unions tend to be very narrow and pragmatic in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers' militancy.

The Government still is seeking to develop free trade zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the country served as a source, transit, and destination point for trafficking in women and girls for the purpose of forced prostitution.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes, although this practice apparently is somewhat less widespread, since adults lacking other options for employment have taken many of these jobs. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls trafficked through, from, and to the country for the purpose of forced prostitution (see Section 6.c.).

e. *Acceptable Conditions of Work.*—Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The monthly minimum wage is approximately $15 (Din 250 to 500). However, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, $50 (Din 700 to 1,200). The minimum wage is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be $120 (Din 2,150) per month. Private enterprises use the minimum wage as a guide but tend to pay somewhat higher average wages.

Reports of sweatshops operating in the country are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In light of the competition for employment, and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. *Trafficking in Persons.*—There is little information available on trafficking, although Serbia is a source, transit, and destination country for women and girls trafficked to other parts of Europe for forced prostitution. There are laws that could be used to prosecute traffickers, although apparently there is little government interest in addressing the problem. Belgrade was becoming a transit point, and to a lesser extent, a destination point for trafficking in women and girls. Reportedly women from Russia and Ukraine are trafficked to the country. There were also reports that women were trafficked through the country to Bosnia-Herzegovina, where they either stayed and were forced to work as prostitutes or were trafficked on to other countries.

KOSOVO

Serbia abolished the political autonomy of Kosovo in 1990, and all significant decisionmaking since that time until June was centralized under Milosevic in Belgrade.

Kosovo, came under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK) in June following the NATO campaign in Kosovo, which began on March 24. U.N. Security Council Resolution 1244 upheld FRY sovereignty over Kosovo, but it also called for "substantial autonomy and meaningful self-administration for Kosovo." Although the peace settlement respects FRY territorial integrity, the Milosevic regime had no authority in the province after June 10. Dr. Bernard Kouchner, the Special Representative of the U.N. Secretary-General, became the chief administrator of UNMIK. Within UNMIK, the OSCE was given the responsibility for institution-building, democracy-building, and human rights. At year's end, there were also two other local ethnic Albanian established shadow governments operating in Kosovo, neither of which were recognized by the U.N. The leader of the "provisional government" and former political head of the Kosovo Liberation Army was Hashim Thaqi; Dr. Ibrahim Rugova headed the Democratic League of Kosovo (LDK) and was named the "President" of the self-proclaimed "Republic of Kosova" after shadow elections in 1991. The LDK also dominated the unofficial parliament. Plans for UNMIK-sponsored elections were being developed at year's end. The laws of the FRY and the republic of Serbia initially were in effect, but because the local population did not recognize the legitimacy of the laws, UNMIK temporarily adopted the 1989 code. UNMIK was working with local judges to develop a new legal code. UNMIK created and operates an independent judiciary, which is experiencing delays due to difficulties finding proper staff and establishing facilities.

Until June police and military forces under Milosevic maintained internal security. Beginning in mid-June, troops from all 19 NATO countries plus 16 non-NATO countries that make up the Kosovo Force (KFOR), the peacekeeping force in charge of maintaining internal security and defense against external threats in the province. The 45,000-member force also assists UNMIK's multinational civilian police corps in its role as uniformed and criminal police. By year's end, approximately 1,900 of the 4,718 UNMIK police officers authorized for the task were serving in the province. Half of KFOR's available manpower is committed to protecting the public, including protecting ethnic minorities, and some KFOR troops are devoted primarily to border monitoring activities. Public safety is also a key task for KFOR. On September 6, the Kosovo Police Academy, run by the OSCE, began training a class of local police officers in Vucitrn. On September 19, KFOR helped to establish the Kosovo Protection Corps, a multiethnic civil emergency service agency that includes a significant number of former KLA members. The civilian authorities maintain effective control of the security forces.

The economy was in poor condition even before the NATO airstrikes, because of mismanagement by federal and Serbian authorities, which had seized control of all major economic assets. Armed conflict in the province in the first 6 months of the year resulted in massive destruction of property, including economic enterprises. According to various sources, unemployment among the predominately ethnic Albanian population was estimated at between 40 and 75 percent, and much higher among the Serb and Romani minorities. The instability of the region, coupled with the destruction of property records and a weak legal and regulatory framework, created an uncertain investment climate, which has deterred investors from injecting much needed capital into the province. International organizations are establishing programs to improve the infrastructure and to make the weak economy more viable. The economy before the conflict had a substantial agrarian sector, which continues to support a large percentage of the population. Key industries before the conflict were mining, metallurgy, and related manufacturing enterprises. Agricultural production and food processing are also important. Leading exports were energy, refined metals, and agricultural products. Remittances from relatives abroad and foreign aid are important sources of national income. A gray economy, which is widely believed to be involved in illicit activities, also was significant. While no gross domestic product estimates are available, the population has a low standard of living.

In the first 6 months of the year, the Serbian Government's extremely poor human rights record in the province worsened significantly, and there were serious problems in many areas. In practice citizens could not exercise the right to change their government. Serbian police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, rape, and arbitrary arrest and detention. Impunity for those who committed human rights abuses remained a serious problem. The judicial system was not independent of the Government, suffered from corruption, and did not ensure fair trials. The authorities infringed on citizens' privacy rights. The Government severely restricted freedom of speech and of the press, and used overbearing police intimidation and economic pressure to control tightly the independent press and media. Most journalists practiced self-censorship. The Government infringed on freedom of worship by mi-

nority religions and restricted freedom of movement. The Milosevic regime used its continued domination of Parliament and the media to enact legislation to manipulate the electoral process. Ethnic Albanians chose not to participate in government institutions, and in practice authorities excluded them from participating in government institutions. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations was poor. The Government routinely hindered the activities of human rights groups. The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Violence and discrimination against women remained serious problems. Discrimination and violence against ethnic Albanians, Muslims, and religious and ethnic minorities worsened during the first 6 months of the year. Police repression continued to be directed against ethnic minorities, and police committed the most widespread and worst abuses against Kosovo's 90 percent ethnic Albanian population. The regime limited unions not affiliated with the Government in their attempts to advance worker rights. There was some child labor and the province served as a transit point for trafficking in women and girls.

In the last half of the year, UNMIK adhered to international human rights standards in its operations; however, some problems remained due to lingering interethnic tension. Lengthy pretrial detention was a problem, as were long delays in trials due to difficulties finding proper staff and establishing facilities. The judiciary was subject to outside influence. Violence and discrimination against women remained serious problems. Societal violence and discrimination against ethnic Serbs and Roma worsened significantly during the last 6 months of the year. Over 300 civilians were killed and over 1,000 cases of arson reported, beginning in June. Societal discrimination also targeted Roma, in retaliation for the group's alleged collusion with Serbs in the period before and during the war. An estimated 100,000 Serbs and Roma left the province, fleeing for elsewhere in Serbia or to other countries. Trafficking in women and girls was a serious problem.

There were reports that former and active KLA members committed abuses even after the withdrawal of the VJ in June, including killings, disappearances, torture, rape, and arbitrary detention.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Political violence, including killings by police, was a common occurrence during the first 6 months of the year as a result of the conflict in Kosovo (see Section 1.g.). Serbian forces killed up to 10,000 mostly male ethnic Albanians, often in brutal fashion. Reports by international observers of the atrocities committed by Serbian forces prompted an international response in the form of NATO airstrikes beginning on March 24. According to a report released by the OSCE in December, the Serbian security forces' massive assault on the Kosovo Albanian population was of such a scale as to "appear directed by strategy not breakdown in command and control."

On January 15, Ministry of Interior police officers killed 45 ethnic Albanian civilians in Racak. According to the OSCE KVM, the killings occurred in such a way that they could not be attributed to Serbian security forces' efforts to bring KLA insurgents under control. Neither the federal nor the Serbian authorities brought charges against the Ministry of Interior (MUP) police officers involved in the massacres, and Serbian officials claimed that the ethnic Albanians had "died in combat."

Starting in mid-January, the OSCE KVM reported regular cases of killings of ethnic Albanians taking place, mostly in the rural areas of the province until mid-March, when Serbian forces reportedly intensified their campaign to include more densely populated areas like Pristina and Mitrovica. Refugees provided accounts of summary executions and mass graves at about 500 sites throughout the province. According to the OSCE, the majority of killings that occurred after NATO airstrikes began in March were carried out by a mixture of VJ troops, police officers, and paramilitaries, sometimes in cooperation with armed Serb civilians. Reports indicate that a common practice employed by Serb forces was to order unarmed ethnic Albanian men to run away and then to shoot them; in this way, the murders could be portrayed as collateral casualties of military operations. Survivors reported that Serbian forces burned bodies exhumed from mass graves in an apparent attempt to destroy forensic evidence of war crimes (see Section 1.b.).

There were numerous deaths in custody in the first 6 months of the year. For example, on March 8 a Serbian traffic policeman stopped the car of a 20-year-old ethnic Albanian man in Pristina, forcibly removed the young man from his car, and took him to Police Station Number 92. Serbian police officers informed the young man's relatives that he would be released in a few hours; however the man's father

who was waiting at the police station learned the next day that his son's body had been found with 33 bullet wounds in Kosovo Polje. An eyewitness reported seeing the young man's car with numerous bullet holes parked near Police Station Number 92.

In addition to random executions, Serbian authorities appear to have targeted Kosovar intellectuals, professionals, and leaders. In January Enver Maloku, the head of the LDK's Kosovo Information Center, was shot outside his home by three unknown assailants who immediately fled the scene. In May Fehmi Agani, who was a lead negotiator for the ethnic Albanian delegation at Rambouillet, was taken into custody by Serbian police. Although there are conflicting reports as to the precise circumstances of his death, it generally is agreed that he was killed by Serb security forces. The state-run Tanjug news agency blamed the death on KLA extremists, claiming that they wanted to prevent additional negotiations between the regime and the Kosovar Albanians. Few in the international community believe this version, and many have called for an international investigation into the murder.

Virtually no town or settlement escaped the effects of Milosevic's campaign of ethnic cleansing, with reports of dozens, if not hundreds of civilians being murdered in each town.

Serbian forces killed as many as 500 ethnic Albanians in Bela Crkva by March 28. This included some 46 unarmed ethnic Albanians, 8 men over the age of 60, and a 13-year-old boy, who were killed by Serbian forces on March 25. On that date, Serbian forces started shelling the village, separated the men from the women and children fleeing the village, forced the men to strip and walk into a river, where they were shot in the back. Some 16 men survived by hiding in the cold river for several hours amidst the corpses. On March 28, Serbian forces forced ethnic Albanians in Kosovo Polje into their homes and then threw hand grenades inside; civilians also were burned alive in their homes. In Djakovica Kosovar Albanians were warned to leave by March 29. Of those remaining, over 300 ethnic Albanians were executed. Some 270 Kosovar Albanians in Izbica were killed beginning in mid-March, with their bodies, which reportedly bore signs of torture, then burned. In late March, in the adjacent villages of Velika Krusa and Mala Krusa, 150 to 160 ethnic Albanian men who had gathered near a mosque after being removed from their homes and separated from their families, were shot and then burned, in an apparent attempt to conceal evidence. On March 30, the village of Orlate was set on fire after Serb forces executed 200 of the ethnic Albanian men there. In Pusto Selo Serbian forces executed 106 men on March 31. On April 17, Serbian forces attacked the village of Staro Cikatovo and killed 23 ethnic Albanian men from the Morina family; another 4 men were missing and presumed dead. Witnesses claimed that Serbian forces also killed dozens of ethnic Albanian detainees at the mine in Staro Cikatovo. Also on April 17, a single Serb police officer or paramilitary member forced at least 47 persons from the ethnic Albanian Muqolli family into one room and shot them. The exact number who died is unknown, although at least 23 children under the age of 15 were killed. On April 27, Serbian forces separated at least 100 ethnic Albanian men between the ages of 16 and 60 from a refugee convoy passing through Meja and killed them. In early May, refugees arriving from Studime described their relatives being killed, with their eyes gouged out and their noses cut off.

On February 21, the president of the Mother Teresa Society branch in General Jankovic and his son were killed in front of their house by unknown assailants.

The FRY, in contravention of repeated U.N. Security Council resolutions, denied investigators from the ICTY access to any part of Kosovo in the first 6 months of the year, preventing them from undertaking a thorough and independent investigation into these and other atrocities under the Tribunal's jurisdiction that were committed in the province in 1998–99 (see Section 4).

An unknown number of persons died from abuse in prison during the first 6 months of the year (see Section 1.c.).

There were reports of many extrajudicial killings by members of the KLA, including of so-called ethnic Albanian "collaborators" and Serb civilians.

KROR and UNMIK detained some individuals suspected of war crimes in Kosovo. At year's end, UNMIK was considering setting up a special tribunal in the province with international judges to try certain war crimes.

Following the VJ withdrawal in June, UNMIK estimates that an average of 20 to 30 murders took place each week, down from a high of 114 murders per week in early June. By late November, according to UNMIK, relatively few murders took place each week. In the 6-week period of June 12 through July 26, NATO reported that 198 murders took place. By mid-November, 379 persons had been murdered since NATO's arrival, including 135 Serbs and 145 ethnic Albanians. Many of the murders were ethnically motivated, both by Albanians killing Serbs, and Serbs kill-

ing Albanians; however, there were also many criminally and other non-ethnically motivated murders. Unconfirmed reports described uniformed KLA members, as well as non-uniformed individuals claiming to be acting in the name of the KLA, carrying out these killings.

On June 19, three ethnic Serb men in Belo Polje, near Pec, were shot point blank in the head. Witnesses reported that 10 uniformed KLA members entered the village in the early evening and executed the 3 men. One other Serb was injured and taken to a hospital. Ethnic Albanian villagers claimed that the men had belonged to a paramilitary Serb gang responsible for burning ethnic Albanian homes in the village. However, Serb residents denied the charges.

In another high profile instance of continuing ethnic violence after the U.N. assumed responsibility for administering Kosovo, 14 Serbs were found murdered on July 23 in a field near their village of Malo Gracko, in the Lipljan municipality. They had been shot at close range. KFOR detained four suspects the following week.

On June 24, KFOR found the bodies of three Serbs in the economics department at Pristina University. A professor, guard, and cafeteria manager all had been beaten badly.

There were reports on June 25 of the deaths of several elderly Serbs in their homes.

On June 29, unknown persons killed four Serb civilians near Rahovec.

On July 27, one man and one woman were killed in Zitinje when their car was hit by gunfire.

On September 25, ethnic Albanians attacked a trailer carrying 12 Serbs near Kamenica, which left 1 person dead and 4 persons injured.

On September 28, two grenades exploded in a Serb market area in Bresje. Three elderly Serbs were killed instantly, while 46 others suffered minor or critical injuries. KFOR arrested two ethnic Albanians suspected of the crime. The incident resulted in both Serbs and ethnic Albanians staging demonstrations and roadblocks, which impeded transportation lines until KFOR disbanded the groups. (See Section 2.b.)

On October 11, Valentin Krumov, a Bulgarian national assigned to UNMIK was beaten and shot in the head in a pedestrian area by angry ethnic Albanians. Krumov, accompanied by two fellow U.N. staff members, was followed by a group of five or six teenaged Albanians, before he was asked for the time. When Krumov responded in Serbian, the group proceeded to beat and kick him. Finally a shot was fired at Krumov's head, killing him instantly. The U.N. investigated the incident but had not made any arrests by year's end.

On October 16, one man was killed and one woman was wounded in a drive-by shooting in Pristina, while under the protection of UNMIK police. Witnesses reported seeing two unidentified gunmen in a vehicle not bearing license plates fire the shots. The woman was hospitalized in critical condition with a bullet lodged in her back. Both victims were Serbs.

On November 29 during ethnic Albanian celebrations of the Albanian National Day in Pristina, a crowd blocked the car of three Serb civilians, set it on fire, and beat the Serbs as they escaped from the vehicle while hundreds of bystanders watched. Someone in the crowd shot and killed the 62-year-old Serb man. His 78-year-old mother-in-law was in a coma, had all of her ribs on her left side broken, and her lung and spleen ruptured; his 50-year-old wife suffered a broken arm, dislocated shoulder, five broken ribs, punctured lungs, and a concussion. UNMIK had one person in custody in connection with this attack at year's end.

b. *Disappearance.*—There were unconfirmed reports of hundreds of disappearances before the start of NATO airstrikes in March. During the airstrikes, that number rose into the thousands, as military-aged ethnic Albanian men were separated from women and children and taken to unknown destinations. Serb forces kidnaped and raped numerous women (see Section 1.c.).

Following the NATO campaign in Kosovo, UNMIK and KFOR gained access to the province and began a systematic process of locating, identifying, and exhuming the hundreds of mass graves thought to exist there. The ICTY, which has received reports of some 11,000 killed, had identified a total of 529 sites by October and exhumed a total of 2,108 bodies at one-third of the mass grave sites, including one on the outskirts of Pristina, containing up to 200 bodies, one containing 150 bodies in Drenica in April, and one found in early July in Nogavac, with 130 corpses in it. Other mass gravesites were found recently emptied of their contents. Witnesses reported that some villagers were forced to dig up remains from mass graves and then rebury them in individual graves, while other corpses were burned, in order to destroy evidence of mass executions. Moving bodies from mass graves to individual graves has impeded the location of execution sites and hampered the ability of forensic investigators to discriminate between "regular" graves and graves con-

taining massacre victims. In April Serbian forces killed ethnic Albanian civilians in a field near Izbica. After the killings, local ethnic Albanians buried the victims in individual graves. In early June, Serbian forces during their retreat from the province destroyed the graves of their victims. According to ethnic Albanian reports, Serbian forces in Lipljan, probably in early May, exhumed the bodies of ethnic Albanians who had been killed on April 18. After moving the bodies to a building in the village, Serbian forces reportedly ordered the surviving family members to rebury them in individual graves. Serbian forces exhumed the bodies of at least 50 ethnic Albanians in Glogovac and transported the bodies to the nearby village of Cikatovo on May 15, according to refugee reports. The bodies then were reburied in individual graves. Ethnic Albanians reported in mid-June that Serbian police excavated bodies from a mass grave in Kacanik and moved them to a local cemetery. Residents indicated that the bodies might be those persons who were killed by Serbian police in early April.

UNMIK authorities developed a systematic method of identifying, exhuming, and cataloging the hundreds of mass gravesites discovered in the province after the war. These graves contain thousands of bodies of ethnic Albanian civilians who were reported missing and presumed dead in 1998 and the first half of the year. Serbian security forces were responsible for those disappearances.

A number of reliable international human rights monitors reported that one worker of the Council for the Defense of Human Rights and Freedoms was missing at year's end (see Section 4).

Dozens of persons were reported missing in the weeks following the war. It is likely that many were victims of retaliatory acts committed by ethnic Albanians. The Serbian Orthodox Church reported that 30 Serbs disappeared from the Pec area since mid-June, and one Serbian Orthodox priest was abducted by the KLA. On June 29, 19 Serbs were reported missing from the Serb part of Orahovac.

The fate of hundreds of Serbs and Montenegrins reported missing and presumed to have been abducted by the KLA or other ethnic Albanian insurgent fighters was still unknown at year's end. Several Serbs reported cases of family members—mostly civilians—taken hostage by separatist fighters and not heard from again, including many reportedly taken after fighting between police and insurgent forces in the first 6 months of the year. Many of those missing are believed to have been killed.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other cruel forms of punishment; however, Serbian security forces regularly and systematically used torture, beatings in detention, and other forms of abuse against the ethnic Albanian population in the first 6 months of the year. In that period, the VJ, MUP, and paramilitary groups combined to carry out a pattern of abuse that involved intimidation, harassment, assault, pillage, and shellings. Ethnic Albanians were told to leave their villages under threat of death, often loaded onto buses or trains with their travel papers confiscated, and sent to the border, where a new round of assault, rape, and robbery would take place. Serb security forces raped ethnic Albanian women and girls. There were police roundups of ethnic Albanians charged by Serbian authorities with supporting terrorism. Within the criminal justice system, the worst police brutality took place during the 3- to 4-day period of incommunicado detention allowed by law. At least five Albanian males died in custody during 1998 and the number of deaths in custody during the first 6 months of the year is believed to be significantly higher. Evidence of torture in detention is widespread.

Refugee accounts describe incidents of torture that included maiming, mutilation of the dead, electric shock, throat cutting, eye gouging, beating on the genitals, cutting off of the breasts, nose, fingers, hands, and feet, and carving Serbian nationalist symbols onto parts of the body. The refugees also told of the dead being mutilated.

The U.N. Population Fund reports that a large number of ethnic Albanian women were subjected to illegal confinement, rape, and other forms of torture in the first 6 months of the year. Organized and individual rape of ethnic Albanian women by Serbian forces was widespread in the first half of the year. Kidnapings and mass rapes occurred in Djakovica, Pec, and Drenica, where soldiers rounded up groups of 5 to 30 women in trucks and took them to unknown places. In Pec the Hotel Karagac was used as a mass rape site, while in Djakovica, an army camp was used. Numerous ethnic Albanians claim that during raids by Serbian forces on their villages, young women were gang raped in homes and on the sides of roads. There were also reports of Serbian forces removing young women and girls from refugee convoys and raping them. Women were raped by soldiers for periods of time ranging from hours to days, with victims bearing lacerations on their chests, arms, and legs. There were reports of Serbian forces raping ethnic Albanian women and girls in

front of family members, and ethnic Albanian men who interfered or women who tried to escape were killed.

During one incident of a mass rape in Berlenitz, while some women and girls were being raped, other pregnant women had their stomachs cut open with knives, with the fetuses then being skewered by the soldiers' knives. Young boys present had their throats slit after their ears and noses were cut off.

Police assaulted, intimidated, harassed, and extorted money from ethnic Albanians during the first 6 months of the year (see Section 2.d.).

Ethnic Albanians continued to suffer at the hands of security forces conducting searches for weapons, ammunition, and explosives early in the year. The police, without following proper legal procedures, frequently extracted "confessions" during interrogations that routinely included the beating of suspects' feet, hands, genital areas, or heads. The police used their fists, nightsticks, and occasionally electric shocks. Apparently confident that there would be no reprisals, and in an attempt to intimidate the wider community, police often beat persons in front of their families. There was virtually no prosecution by Serbian authorities of those responsible, despite a public commitment from the President of the Government of Serbia in 1998 to do so and despite repeated demands from the international community calling on the Milosevic regime to cooperate in the investigation and prosecution of those responsible. According to various sources, ethnic Albanians were frequently too terrified to ask police to follow proper legal procedures—such as having them provide written notice of witness interrogation. In some cases, Serbian police also used threats and violence against family members of suspects and held them as hostages. Local human rights monitors reported that Serbian police threatened and intimidated doctors working in the province to prevent them from treating KLA members. According to ethnic Albanian and foreign observers, the worst abuses against ethnic Albanians took place not in big towns but in rural enclaves—a pattern which, according to many observers, increased separatist sentiment and provided the basis for the strong support for the KLA in these areas.

NGO's reported police searches of NGO vehicles. Harassment, detention, and violence against aid workers also were reported during the first 6 months of the year. A number of reliable international human rights monitors reported that all of the Council for the Defense of Human Rights and Freedoms workers were harassed routinely and severely by Serbian authorities in the first 6 months of the year (see Section 4).

In a country where many of the adult males are armed, the Serbian Government and police, especially prior to the outbreak of hostilities with NATO in late March, continued to enforce selectively the laws regulating the possession and registration of firearms so as to harass and intimidate ethnic minorities, particularly ethnic Albanians. The most frequent justification given for searches of homes and arrests was the illegal possession of weapons. Observers allege that in Kosovo the police used the pretext of searching for weapons when in fact they also were searching for hard currency. During the period of Serbian administration of Kosovo, it was reported that local police authorities more easily approved the registration of legal weapons for Serbs in the province and frequently deliberately ignored Serbs' possession of illegal weapons. In fact, the Serbian police in some cases reportedly actively promoted the arming of local Serb civilians.

In Cirez 20,000 ethnic Albanians reportedly were used as human shields against NATO bombings. In Klina 500 civilians were used as shields in fighting against KLA forces on March 28. In early April, as many as 700 men were used as human shields in Orahovac, where they were forced to stand in front of tanks with their hands tied behind their backs.

The Yugoslav Constitution expressly prohibits torture or inhuman treatment by the Government, and UNMIK sought to enforce this provision during the latter half of the year; however, after the introduction of U.N. authority in the province in June, there continued to be frequent reports of civilians attacking and abusing members of another ethnicity.

According to Human Rights Watch, after the withdrawal of Serbian forces, KLA members tortured ethnic Serbs, ethnic Albanians suspected of collaborating with the Serb authorities, and Roma, including beatings of elderly ethnic Serbs. KFOR found a torture chamber in a KLA dormitory in late August, which contained weapons, ammunition, explosives, and booby traps.

According to Human Rights Watch, uniformed KLA members participated in an unspecified number of rapes and murders of Serb and Romani women, but there is not sufficient evidence to substantiate allegations that the ethnic Albanian leadership planned such attacks.

There were reports in the second half of the year of KLA self-appointed local administrators restricting the political rights of other parties in regions of Kosovo.

KLA representatives allegedly threatened, harassed, and beat LDK members in Prizren and Gnjilane. In early August, the local LDK office in Gnjilane also was ransacked and some of its representatives were detained and harassed.

On June 15 a Serbian paramilitary member leaving Gjilan threw a grenade from his car at a group of ethnic Albanian civilians; 13 were injured including several children.

On September 25, ethnic Albanians attacked a trailer carrying 12 Serbs near Kamenica, which left 1 person dead and 4 persons injured. On the same day, a Serb couple was pulled from their vehicle in the western part of the province and beaten by an ethnic Albanian.

Prison conditions meet international standards. However, prison conditions have deteriorated in recent years. There were few confirmed reports of abuse of prisoners by Serbian authorities once they were sentenced and serving time. The vast majority of cases of torture occurred before detainees were charged with offenses or during the period between the filing of charges and the commencement of the trial.

Prior to hostilities, the Serbian Government generally permitted prison visits by human rights monitors, although access was poor, sporadic, and subject to the whim of local officials. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals held by Serbian police. UNMIK and KFOR permitted prison visits by human rights monitors in the second half of the year.

d. *Arbitrary Arrest, Detention, or Exile.*—In the first 6 months of the year, Serbian police used arbitrary arrest and detention. Serbian police often applied certain laws only against ethnic minorities and used force with impunity. Ethnic Albanians were subjected to trumped up or exaggerated charges, ranging from unlawful possession of firearms to willfully undermining the country's territorial integrity. According to Serbian Ministry of Justice statistics, the authorities were in the process of charging or trying approximately 1,500 persons for activities related to the Kosovo conflict at the end of 1998. Serbian authorities still have between 1,900 and 7,000 persons, mostly ethnic Albanians, in prison in Serbia for activities related to the Kosovo conflict, and many of these persons likely still were being charged or tried at year's end.

Federal and Serbian laws regarding conspiracy, threats to the integrity of the Government, and state secrets were so vague as to allow easy abuse by the Milosevic regime.

In the first 6 months of the year, federal statutes permitted the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provided for a 24-hour detention period. The police often combined the two for a total 4-day detention period. After this period, police had to turn a suspect over to an investigative judge, who could order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention up to 6 months. Serbian police often detained and beat persons without ever charging them officially and routinely held suspects well beyond the 3-day statutory period. Bail rarely was granted.

Serb Police used arbitrary arrest and detention in the province. In the first half of the year, Serbian authorities shifted from a system used before the conflict, of bringing inflated charges against ethnic Albanian individuals as an excuse to detain them, to systematically and forcibly separating masses of military-aged men from their families. Mass detention sites were established throughout the province, with at least 25,000 prisoners detained in them in the spring. Refugees reported in April that Serbian forces used the Ferro-Nickel factory in Glogovac as a detention center for a large number of ethnic Albanians. According to refugees, a cement factory in General Jankovic also was used temporarily as a detention center for ethnic Albanians. The detainees reportedly were released in late April. From May 21 to early June, some 2,000 Kosovar Albanian men entered Albania after being detained by Serbian forces for 3 weeks in a prison in Smrekovnica near Srbica. Serbian authorities apparently were looking for KLA members and sympathizers among the prisoners. While detaining the men, the Serbian authorities forced them to dig trenches and physically abused many of them. After interrogations, the detainees were loaded on buses and driven to Zhure, from where they walked to the border with Albania. Conditions at these detention sites were poor. Witness reports describe daily regimens of beatings, overcrowded facilities, little food, no exercise; and in some cases, persons had to sleep on concrete floors.

When the situation in Kosovo deteriorated and the OSCE KVM pulled its verifiers out of the province on March 19, as many as 20 former OSCE KVM local employees were arrested by Pristina police at the start of the conflict (see Section 4).

Prior to the conflict that commenced in March, defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges often delegated their responsibility for carrying out investigations to the police or members of the state security service and rarely questioned their accounts of the investigation—even when it was obvious that confessions were coerced from the accused. Results of such sham investigations were then used in court to convict defendants on trumped up charges.

After it assumed authority in Kosovo, UNMIK introduced Regulation 1999/2 on August 12. That action permitted law enforcement authorities to detain a suspect for up to 12 hours, and to "temporarily remove a person from a location, or prevent access by a person to a location, to prevent a threat to public peace and order." This regulation was deemed necessary to control the wave of violence (see Sections 1.a. and 1.c.).

Since June UNMIK and KFOR detained hundreds of persons suspected of committing ethnically motivated violent crimes and arson. All suspects were held in a temporary detention facility as they waited for their cases to be reviewed by one of several mobile judicial units, which decided whether the detainee was to be released or whether his case would go to trial. By the end of October, 13 criminal trials were completed, and hundreds of pretrial detention hearings were held, but the authorities still were working to establish a complete court system (see Section 1.e.). At the end of October, 210 persons were in KFOR detention, and 20 to 30 others were arrested and were being detained by UNMIK police.

As concern grew over the status of prisoners still being held in Serbia, on September 21 UNMIK created an autonomous commission on prisoners and detainees, under the auspices of the UNHCR, to investigate and advocate for prisoners and missing persons. This commission also established a system for death certificates.

There were reports of KLA abductions and detainings during the year of journalists, Serbs, and political opponents. On June 18, KFOR troops released some 15 persons who were held by the KLA in the police station in Prizren. The victims reported that KLA members beat them (see Section 1.c.). In early August, the local LDK office in Gnjilane also was ransacked and some of its representatives were detained and harassed.

Exile is not permitted legally, and no instances of specific individuals forced out of the country on the basis of a legal process are known to have occurred. However, the practical effect of police repression was to accentuate political instability, which in turn limited economic opportunity. As a result, over the years, many ethnic Albanians went abroad to escape persecution, although only in a few cases could direct links to police actions be identified.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice, in the first 6 months of the year Federal and Serbian courts largely were controlled by the Government and rarely challenged the will of the state security apparatus. Judicial corruption was also widespread. While judges were elected for fixed terms, they were subjected to governmental pressure. Serbian authorities frequently denied fair public trials to non-Serbs and to persons whom they believed opposed the regime.

The court system in the first half of the year consisted of local, district, and supreme courts at the republic level, as well as the Federal Court and Federal Constitutional Court, to which republic supreme court decisions, depending on the subject, could be appealed. There was also a military court system. According to the Federal Constitution, the Federal Constitutional Court ruled on the constitutionality of laws and regulations and relied on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remained in force in the first 6 months of the year. Considerable confusion and room for abuse remained in the legal system because the 1990 Constitution of Serbia had not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants had the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also had to provide interpreters. The presiding judge decided what was read into the record of the proceedings. Either the defendant or the prosecutor could appeal the verdict.

Although generally respected in form, during the period of Serbian administration, defense lawyers in Kosovo filed numerous complaints in the first half of the year about flagrant breaches of standard procedure, which they believed under-

mined their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints.

The Government continued to pursue cases previously brought against targeted minority groups under the Yugoslav Criminal Code for jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities—that is, undermining the "constitutional order." Numerous questionable trials took place during the period of Serbian administration. Over 90 percent of the cases involved alleged violations under the Federal Penal Code of Article 136 related to "association to conduct enemy activity," or Article 125 concerning "terrorism." A number of these persons were being tried in absentia. According to the Ministry of Justice, at the end of 1998 some 1,500 Kosovo Albanians were being charged or tried for crimes related to the Kosovo conflict. Serbian authorities still have between 1,900 and 7,000 persons, mostly ethnic Albanians, in prison in Serbia for activities related to the Kosovo conflict, and many of these persons probably still were being charged or tried at year's end (see Section 1.d.). The Office of the U.N. High Commissioner for Human Rights was monitoring the cases of 1,350 prisoners in the Pec and Prizren regional courts during the first few months of the year.

Generally, the evidence in these cases was inadequate according to international organizations and human rights monitors, and the defendants largely were denied timely access to their attorneys. According to international civilian verifiers from the OSCE KVM office in Pec, some 80 laymen worked in the district and municipal courts as judges, of whom the vast majority were former police officers. Although there were two courtrooms in the court building, many trials were held in the offices of the judges on the upper floors where no members of the public were present. International human rights monitors observed a lack of impartiality by Serb judges in the municipal and district court system in the province. They also noted the absence of legal counsel for the defense, the absence of witnesses or experts during proceedings, and a failure to provide medical care during proceedings to defendants obviously in need of immediate attention. Continuing a common pattern of abuse, independent observers reported that several defendants met their defense attorneys for the first time only after the investigative judge already concluded the crucial investigation stage, while other defendants had defense counsel assigned after they entered the courtroom. Much evidence appeared to have been obtained by authorities through forced confessions of defendants under duress. Other evidence was kept from defense attorneys until just before the trial. Other international observers monitoring the trials of alleged terrorists in Pristina complained of irregularities in the process involving evidentiary standards, the nonuse of native languages, and the failure to respect the presumption of innocence.

Many legal scholars expressed concern over the Act on Lawyers, passed in July 1998, which they believed restricted the freedoms of lawyers and interfered with the independence of lawyers in their dealings with clients. They believed that the law gave too much authority to the lawyers' chambers—both at the republic and federal levels—which the Helsinki Committee alleged would enable the regime to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law also enabled the regime to interfere with the lawyer-client relationship, which, even during the Communist era, was upheld to a greater degree.

UNMIK installed an emergency legal system to prosecute suspected criminals in response to the vacuum that existed when Serbian military and police left the province in June. On June 28, by Emergency Decree, UNMIK appointed seven members to the Joint Advisory Council for Legislative Matters (JAC), which is composed of three members representing U.N. organizations, two ethnic Albanians, one Serb, and one Muslim. The JAC's function is to review and comment upon applications for candidates to serve in an independent, multiethnic judiciary. On July 30, 9 judges, including 2 judges in absentia were sworn in, and another 10 judges and prosecutors were appointed on July 10. By late October, 48 judges and prosecutors were appointed, and at the end of December UNMIK appointed 300 more judges and prosecutors, who are expected to be sworn in in early 2000. In September UNMIK established a Technical Advisory Commission, consisting of Kosovar and international experts to advise it on the structure and administration of the judiciary and prosecution service in the province. A joint Kosovar-U.N. Advisory Judicial Commission also was established in September to advise the Special Representative of the U.N. Secretary-General on matters relating to the appointment of judges and prosecutors.

The judiciary's task was to try eventually the hundreds of persons detained by KFOR and UNMIK for murder, looting, and a variety of other crimes since June, based upon the "laws applicable in the territory of Kosovo prior to March 24, 1999" insofar as they do not conflict with internationally recognized standards and other UNMIK regulations. Ethnic Albanian jurists were reluctant to apply what they con-

sidered discriminatory Serbian legal codes. On December 12, UNMIK adopted Regulation 199/24, which changed applicable law to the law in force in Kosovo on March 22, 1989. The JAC was working on a new Criminal and Criminal Procedures Code and consulted with the Council of Europe on early drafts. At year's end, these codes were being translated.

Two mobile judicial units were formed to conduct pretrial hearings and investigations and began operations in July. Each unit consists of two prosecutors, one judge, three secretaries, and two defense lawyers, to defend those unable to provide for their own counsel. The mobile unit has the authority to release a suspect or to request that the judge begin an investigation and hold the suspect until trial.

While every effort was made to move detainees through the system, the sheer numbers of cases and limited resources available resulted in long delays before cases could be reviewed. A perpetual logjam exists in reviewing cases, and to date, few cases actually have gone to trial. Some individuals remain in prolonged detention without being indicted. At the end of October, 210 persons were in KFOR detention, and another 20 to 30 individuals were detained by UNMIK police.

Furthermore, there were credible reports that the judiciary was subject to outside pressure and intimidation, resulting in ethnic Albanian judges releasing or seeking to release ethnic Albanians charged with serious crimes, including crimes against Serbs, even if those individuals had been caught in the act of committing the crime by KFOR or U.N. security personnel. In early August, two Serb members of the judiciary were attacked, and additional measures had to be taken to provide for their safety. By October all seven Serb prosecutors and judges either resigned or fled the province, due to fear for their personal safety, complaints of discrimination, or lack of sufficient compensation.

The Serbian Government continues to hold many, perhaps thousands of, ethnic Albanians as political prisoners in Serbia.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The authorities infringed on citizens' privacy rights in the first 6 months of the year. Federal law gave republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that was abused routinely. It is widely believed that authorities monitored opposition and dissident activity, eavesdropped on conversations, read mail, and wiretapped telephones. Although illegal under provisions of federal and Serbian law, the federal post office registered all mail from abroad, ostensibly to protect mail carriers from charges of theft.

Although the law included restrictions on searches, Serbian officials often ignored them in the first half of the year. Serbian police systematically subjected ethnic Albanians to random searches of their homes, vehicles, shops, and offices, asserting that they were searching for weapons. According to the Kosovo Council for the Defense of Human Rights and Freedoms, the police carried out scores of raids on homes, including in areas not affected by the fighting. Police used threats and violence against family members of suspects.

In the first 6 months of the year, Serbian security forces systematically destroyed entire villages by burning and shelling houses, contaminating water wells, and killing livestock (see Section 1.g.). In the second half of March as the airstrikes began, ethnic cleansing dramatically accelerated in Kosovo. On March 25, Serbian forces burned 200 to 600 homes in Djakovica alone and destroyed the rest of the old city the following day. More than 90 percent of all ethnic Albanians were expelled from their homes in the province. The UNHCR estimates that hundreds of thousands of persons remained internally displaced within the province during the conflict, while approximately 850,000 persons fled to neighboring areas including Albania, Bosnia-Herzegovina, FYROM, and Montenegro.

Starting in March, Serbian authorities conducted a campaign of forced population movement on a massive scale. Ethnic Albanian refugees and IDP's consistently reported being expelled from their homes by Serbian forces at gunpoint, in contrast to the fighting during 1998, when the bulk of the IDP's and refugees fled to escape the crossfire or to avoid reprisals by Serbian security forces. Many victims were herded onto trains and other organized transport and expelled from the province. In addition, Serbian forces expelled the majority of Kosovar Albanians from urban areas such as Djakovica. Refugees and IDP's reported that those forced to remain behind were used as human shields.

A government law requiring universal military service was enforced by Serbian authorities only sporadically and not vigorously in the first 6 months of the year. The informal practice of the military was not to call up ethnic Albanians. Of approximately 100,000 draft evaders living abroad to avoid punishment in 1998, 40 percent were estimated to be ethnic Albanian. This number in part reflected the large number of conscription-age men in the FRY's Albanian community. Leaders of Kosovo's Albanian and Sandzak's Muslim communities maintained that forced

compliance of these ethnic groups with universal military service was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to the FRY their cases would be reviewed on a "case by case" basis, a policy that has not inspired confidence among offenders. Another law passed in 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance.

In a related development, under a 1996 agreement with Germany, ethnic Albanian refugees repatriated to the FRY were not supposed to be prosecuted for fleeing the draft. However, according to the Humanitarian Law Center, many returning ethnic Albanians faced irregular procedures on returning to the FRY. The Center reported many misdeeds by authorities against asylum seekers who returned, including physical abuse, threats of imprisonment, deportation, confiscation of identification cards, and a requirement that persons report to their local police stations on a daily basis. Returning ethnic Albanians were detained routinely on their arrival at local airports. In many cases FRY officials have refused to issue proper travel documents to children born to asylum seekers.

Since the province came under the authority of UNMIK in June, the law prohibited such practices, authorities generally respected these prohibitions, and violations by authorities were subject to effective legal sanction. However, in the months following the war, abuses were committed frequently by ethnic Albanian civilians and members of the KLA. There were frequent reports of men wearing KLA uniforms, or claiming to be acting in the name of the KLA, entering the private homes of Serb residents and subjecting them to harassment and intimidation. Many Serbs left of their own accord along with departing Serb security forces. There were credible reports that such men also sought to expropriate property of fellow ethnic Albanians in the name of the KLA. An estimated 164,000 Serbs and an unknown number of Roma left the province, many of whom were compelled to flee by the harassment and intimidation. According to field research conducted by a Roma NGO in early July, all of the Romani communities it visited had less than half of their preconflict Roma population. Civilians were also responsible for the random destruction and arson of private property.

Respect for property rights proved to be problematic. Many property records were lost, casting doubt over how current occupants of vacated properties could remain where they were living, and how owners could rightfully reclaim their property. UNMIK created a housing and property directorate that redrafted regulations to laws that previously discriminated against ethnic Albanians. The directorate also established a system of permits that would allow squatters to remain in housing temporarily through the winter, until the rightful owners could be located.

The UNHCR reported that 50,000 to 90,000 homes in the 2,000 villages of the province were damaged severely or uninhabitable. The damage is worse in the Western section of the province, with Pec having lost 40 to 45 percent of its housing. In Djakovica and Mitrovica, the losses are around 30 percent. In the province overall, some 40 percent of the schools were destroyed or damaged severely.

Since the end of the conflict, many Serb- and Roma-owned homes were looted and then burned. Some of the most serious looting and arson occurred in the districts of Lipljan, Klina, Pec, Istok, and Djakovica. In Vitomirica by late June Serb houses were looted and burned, while houses that had "Albanian house" written on a wall were left untouched. Ethnic Albanian returnees occupied some Serb houses. Especially on the weekend of June 19 and 20, unidentified persons set fire to Serb-owned homes and looted their properties throughout the province. KFOR arrested 10 ethnic Albanians near Prizren, suspected of arson in several Serb villages (see Section 5).

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—The conflict in Kosovo placed civilian populations on both sides of the ethnic divide in an unusually vulnerable position. The excessive and indiscriminate use of force by Serbian police and the VJ resulted in widespread civilian casualties and the mass forced displacement of up to 1.3 million persons, both within and outside the province.

NATO allies, responding to President Milosevic's abuses, stepped up pressure on the regime in the fall of 1998. In the face of the threat of NATO air raids, President Milosevic agreed to steps aimed at mitigating the humanitarian disaster unfolding in the province. He undertook an obligation to comply fully with the terms of UNSCR 1199 (adopted in September 1998), which included demands that the FRY cease all action by the security forces affecting the civilian population, order the withdrawal of security forces used for civilian repression, cooperate with the ICTY, and allow full and unimpeded access for all international humanitarian aid organi-

zations to Kosovo, including the UNHCR and the ICRC. President Milosevic also agreed to allow a NATO air verification mission to verify compliance with UNSCR 1199 from the air and to allow 2,000 unarmed civilian "verifiers" of the OSCE KVM to verify compliance on the ground in Kosovo. Agreements establishing these missions were signed separately by the FRY, with NATO and the OSCE respectively, in October 1998. In subsequent meetings with NATO representatives, President Milosevic agreed to specific limits on Serbian police and the Yugoslav army presence in Kosovo.

It soon became apparent that Milosevic had no intention of complying fully with these agreements. International diplomatic observers witnessed Serbian armed forces purposefully destroying civilian property: police systematically looted, trashed, and burned villages and shot livestock with the intention of depopulating certain regions, especially the villages near the border with Albania. International diplomatic observers and members of intergovernmental organizations witnessed Serbian security forces torching and vandalizing homes of ethnic Albanians after fighting between police forces and insurgents already had ceased in those villages. Over 1,200 residential areas, including over 500 villages, were burned after late March, and 300 villages burned in the month of April 1999 alone. Most Serb homes and stores remained intact during the conflict and Serb civilians in many towns painted a Cyrillic "S" on their doors so that Serbian forces would not attack their homes by mistake. Many settlements were destroyed totally in an apparent attempt to ensure that the ethnic Albanian population could not return. Serbian forces reportedly burned all houses that previously had been rented by the OSCE in Vucitrn, Stimlje, and Kosovska Mitrovica. Other NGO's reported that areas that were occupied by Serbian security forces were at high risk for well water contamination. The security forces used the wells for waste disposal (i.e., garbage, animal remains, and other contaminants) when they departed. Numerous credible incidents were reported in which civilians were seized from intercity buses and held hostage by both Serbian security forces and Albanian insurgents. According to the UNHCR, approximately 850,000 persons fled to neighboring countries and hundreds of thousands were internally displaced (IDP's) within the country.

Starting in March, Serbian authorities conducted an ethnic cleansing campaign of forced population movement on a massive scale. Ethnic Albanian refugees and IDP's consistently reported being expelled from their homes by Serbian forces at gunpoint, in contrast to the fighting of 1998, when the bulk of the IDP's and refugees fled to escape the crossfire or to avoid reprisals by Serbian security forces. Many victims were herded onto trains and other organized transport and expelled from the province. In addition, Serbian forces expelled the majority of Kosovar Albanians from urban areas such as Djakovica. Refugees and IDP's reported that those forced to remain behind were used as human shields.

Serbian forces compelled ethnic Albanians to accompany Serbian military convoys and shield facilities throughout the province. Beginning in mid-April, Serbian forces used ethnic Albanian men from refugee columns and forced them to form a buffer zone around Serbian convoys. Numerous ethnic Albanians claimed to have witnessed and participated in this activity on the roads between Pec, Djakovica, and Kosovksa Mitrovica. In at least one instance—Korisa—Serbian forces intentionally positioned ethnic Albanians at sites that they believed were targets for NATO airstrikes. In other instances, according to unconfirmed reports, ethnic Albanians were kept concealed within NATO target areas to generate civilian casualties that could be blamed on NATO. Ethnic Albanian reports claimed that Serbian forces compelled Kosovar Albanian men to wear Serbian military uniforms, likely so that they would appear to be Serbs to NATO and KLA surveillance.

Serbian forces also disguised themselves as NGO workers to prevent targeting from NATO aircraft. Refugees claimed that on May 6, Serbian forces dressed in white hats and jackets with Red Cross and Red Crescent logos moved with convoys of IDP's between Djakovica and Brekovac. In order to conceal their military cargo, Serbian forces covered their wagons with plastic tarpaulins taken from NGO's.

In contrast to 1998, when Serbian security forces attacked small villages, in the first 6 months of the year Yugoslav army units and armed civilians joined the police in systematically expelling ethnic Albanians at gunpoint from both villages and the larger towns of the province. Many of the places targeted had not been the scenes of previous fighting or KLA activity. Serbian authorities forced many refugees to sign disclaimers saying that they were leaving the province of their own free will. There were numerous reports that Serbian forces confiscated identity and property documents, including passports, land titles, automobile license plates, and identity cards, as ethnic Albanians were forced out of villages or as they crossed the borders into Albania or FYROM. Physicians for Human Rights reports that nearly 60 percent of respondents to its survey observed Serbian forces removing or destroying

personal identification documents. Victims also reported that the Serbian forces confiscated their personal belongings and documentation, including national identity papers, and told them to take a last look at their surroundings, because they would never return to the province.

Serbian forces systematically attacked ethnic Albanian physicians, patients, and medical facilities. Violations of medical neutrality by Serbian forces include killings, torture, detention, imprisonment, and forced disappearances of Kosovar physicians. In March and April, Serbian health care providers, police, and military expelled ethnic Albanian patients and health care providers from health facilities as protective cover for military activities. The NGO Physicians for Human Rights received reports of the destruction of at least 100 medical clinics, pharmacies, and hospitals.

In addition to the terror tactics employed by Serbian security forces against the ethnic Albanian civilian population of Kosovo, credible sources indicated that the Milosevic regime sought to block some shipments of food into the province prior to the outbreak of hostilities with the international community. When presented with a list allegedly prepared by Belgrade authorities of products to be stopped from entering the province, Serbian police in the province did not deny the operation but stated that it was part of a countrywide campaign to stop "tax avoidance." At the same time, the Milosevic regime compiled at best an uneven record of cooperation and hostility toward nongovernmental organizations that sought to deliver humanitarian shipments to the needy in the province. Such shipments also were intended for IDP's forcibly displaced by the Serbian police campaign of shelling, looting, and burning ethnic Albanians' homes after the mid-1998 fighting had concluded.

As a result of the conflict that occurred in the spring, certain rural areas of the province still are filled with unexploded land mines. The U.N. Mine Action Coordination Center in Pristina announced in September that 40 persons had died and 232 others were injured by accidental explosions of cluster bombs or land mines since the end of the conflict in June. This was thought to be a conservative estimate, since many incidents went unrecorded, especially if the victim died instantly or was treated at a hospital and released.

Separatist fighters and KLA members set up roadblocks and denied passage to Serbs, including civilians attempting to get to and from work. Separatist fighters harassed Serbian journalists and took some hostage. In addition to credible cases in which so-called "collaborators" were killed, some ethnic Albanians employed by state-owned enterprises were threatened.

Despite the presence of UNMIK and KFOR, numerous clashes between Kosovars and Serbs continued into the fall, occasionally involving KFOR troops. On August 16, nine mortar rounds were fired from the countryside around the Serb village of Klokot. Two Serbs were killed instantly, while five other people were wounded. There were also mortar attacks on August 10 and 12 on the same village, however no casualties resulted from the earlier incidents. A mortar attack against the Serbian village of Donja Budriga took place on September 8, in which two Serbs were killed and four others injured.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and the Press.*—The law provides for freedom of speech and of the press; however, in the first 6 months of the year the Federal and Serbian Governments severely restricted this right in practice.

The Serbian Government issued a decree in October 1998 that effectively allowed press censorship. The decree reflected a recognition of the threat to the regime of the free flow of information and ideas on issues related to the situation in Kosovo and the possibility—at that time—of a conflict with NATO. In October 1998, it passed a new information law, which incorporated many of the decree's strict provisions and left the country's independent media severely constrained. Under the law, private citizens or organizations could bring suit against media outlets for printing materials not sufficiently patriotic, or "against the territorial integrity, sovereignty, and independence of the country." Media outlets also could be fined for publishing items of a personal nature without the consent of the individual concerned (an apparent reference to political cartoons). The rebroadcast of foreign news programs, including from the British Broadcasting Corporation and the Voice of America, was banned. Media outlets whose practices did not conform to the new law could be subjected to exorbitant fines, which must be paid within a 24-hour period.

In March authorities imposed the maximum fine of $100,000 (Din 1.6 million) on the Gazete Shqiptare, a Kosovar weekly newspaper and ordered the Koha Ditore publishing house to stop printing the weekly. Authorities also froze the newspaper's bank accounts, confiscated all current issues, and ordered vendors to stop selling the publication. The staff of the newspaper announced that it would ignore these actions and continue to publish outside the province. In March authorities also fined Kosovo

Sot $50,000 (Din 800,000) and its publisher and editor each another $25,000 (Din 400,000), for publishing a new year's calendar that included pictures of KLA members. Authorities froze Kosovo Sot's bank accounts, forced it to suspend operations, seized its current issues, and warned vendors to stop selling the newspaper.

Radio Contact opened in May 1998; however, it was able to broadcast only for 2 weeks before Serbian authorities shut it down and confiscated its equipment. The deliberate vagueness of the relevant laws often was utilized to penalize independent electronic media outlets. Radio and television stations were harassed bureaucratically according to their political orientations. Instead of obtaining long-term licenses to broadcast, stations received only 1-year temporary licenses, if they received a license at all. The bureaucratic procedures were so difficult that stations frequently could not fulfill all of the requirements, which left them at the mercy of the regime. For example, under then current law, to obtain a license to broadcast, a station had to obtain the approval of a government "construction inspector" for its office space; however, to obtain a construction inspector's approval, a station needed a broadcast license.

In addition to license issuance problems, those stations that did obtain licenses were forced to pay exorbitantly high fees, the nonpayment of which was enforced selectively by Serbian authorities to close down those stations that did not adhere to the Government's line.

According to independent media sources, in the first 6 months of the year, most journalists practiced self-censorship in an effort to avoid a violation under the media law. Journalists had been informed that printing anything that was not true—even an advertisement or a death announcement—could be punished under the information law. One independent newspaper reported in 1998 that it was publishing half as many articles as usual, in view of the need to check extensively the facts in every article.

During the first 6 months of the year, Serbian forces killed, detained, and beat journalists (see Section 1.a.). For example, in early May Serbian police arrested Cerkin Ibishi, a journalist for the newspaper Relindja, in Mitrovica. He was held in two prisons, including Smerkovnica prison near Mitrovica, before he was released at the end of May and fled to Albania. Also in May, Halil Matoshi, a journalist for the weekly Zeri, was taken by Serbian security forces and jailed in Lipjan. He was removed to a prison in Serbia proper by withdrawing Serbian forces in June and had not been released by year's end.

In December 1998, Serbia's Ministry of Information issued threatening letters to five Albanian-language newspapers and magazines in the province to the effect that they were in violation of the new public information law. Shortly thereafter, the newspaper Bujku effectively was closed down. Editors from Koha Ditore, the leading Albanian-language daily, Zeri, an intellectual Albanian weekly, and Kosovo Sot, a new Albanian daily, reported that threats against the Albanian language media, which began with warning letters from the Serbian Ministry of Information, were escalating. Pressure on the Albanian-language press became so intense in late February that no Albanian-language newspapers were in circulation by the outbreak of the conflict in March. On the first night of the NATO bombing campaign, the premises of Koha Ditore were destroyed by Serbian forces and a night watchman was killed. The printing press of the daily Kosovo Sot was destroyed soon thereafter.

Many of the members of the Kosovar Albanian press attempted to work in exile during the war. Beginning in January, Radio Contact, Radio 21, and Koha Ditore Radio all broadcast for approximately 15 minutes per day through a satellite link provided by the British Broadcasting Company. During the conflict, Koha Ditore, Kosovo Sot, and Rilindja restarted their publishing activities in FYROM. However, when they returned to the province, they found that their offices and facilities had been destroyed. Serbian authorities had demolished the major printing houses before the war, and NATO systematically bombed the main radio-television transmitter that the government-affiliated station, Radio Television Pristina (RTP), had been using.

UNMIK found it difficult to create a free media environment in a region that had suffered from 9 years of oppression under the previous regime and also from the destruction of war. Following the conflict, UNMIK gained control of the broadcasting towers and frequencies, and the OSCE established a Department for Media Affairs. The department is responsible for promoting transparency, openness, fact-based reporting, and providing a broad spectrum of political institutions access to the media, as well as access to information for all ethnic groups. One division of the Media Affairs Department is to serve as a Media Regulatory Commission for the full range of media in the province. The media division still was searching for staff to carry out the regulatory aspect of promoting a free media at year's end. An Independent Media Council also is to be created to advise and assist the OSCE in cre-

ating a free media environment. Finally, an international appellate body is to be appointed to review decisions made by the Media Regulatory Commission. The appellate body also is to have the function of drafting laws and regulations and presenting them to provincially elected lawmaking bodies.

Newspapers resumed publishing, and by year's end, there were five daily newspapers and two weeklies with broad circulation. While flourishing, the print media often acted irresponsibly, including publishing inflammatory articles which could incite violence against political personalities, as well as articles providing names and addresses of ethnic Albanians who allegedly collaborated with the Serbian authorities.

KosovaPress, a news agency in Pristina that bills itself as a "state agency," issued a commentary on October 2, which targeted two leading independent Kosovar Albanian journalists. The author accused Veton Surroi and Baton Haxhiu, who had urged ethnic Albanians to exercise tolerance toward Serbs, of being Serbian spies, said that they "should not have a place in free Kosovo," and demanded that they be sent to the ICTY in the Hague. The news agency distanced itself from the journalist who wrote the commentary, but it did not issue a retraction.

The only Serb newspaper in Kosovo, Jedinstvo, had its offices occupied by Kosovar Albanians in August, and UNMIK advised the newspaper to suspend printing issues due to the security threat. Jedinstvo now is published in northern Kosovo and is distributed in Serbian enclaves. It has two editorial boards, one in Belgrade, Serbia and another in Zvecan, Kosovo.

In June Radio 21 finally obtained a broadcast license to expand beyond the Internet, where it previously was confined by the Serbian regime. It became the first independent Albanian-language electronic media outlet in the province. A number of private smaller stations also began operations in both Serbian and Albanian.

Radio Pristina became operational on July 28, broadcasting daily 90-minute segments in Albanian, Serbian, and Turkish. The radio station has a multiethnic staff, with 12 ethnic Albanian, 6 ethnic Serb, and 6 ethnic Turkish journalists. There are also five ethnic Albanians and two Serbs serving as technicians. Radio Contact also broadcasts in Albanian, Turkish, and Bosnian and employs a multiethnic staff.

The OSCE Media Division made progress in reconstructing and erecting new radio, television, and telecommunication towers for use by RTP and other independent stations. One tower became fully functional at the end of October. RTP is to be a province-wide public broadcasting service protected from political domination.

Djakovica, a local ethnic Albanian radio station, was able to resume broadcasting in June; Serbian authorities had closed it down 9 years ago.

In the first 6 months of the year, the Federal and Serbian Governments did not respect academic freedom. UNMIK made efforts to reestablish schools in the province in the second half of the year under the principle of complete academic freedom. However, given the massive destruction of schools during the conflict (some 75 percent were damaged) and current scarce resources, the pace of rebuilding a school system for the province was slow.

b. *Freedom of Peaceful Assembly and Association.*—The Federal and republic level Constitutions provide for freedom of peaceful assembly and association; however, the Serbian and Federal Governments restricted this right in the first 6 months of the year. Since June UNMIK generally respected this right in practice.

There were cases in the last half of the year in which KFOR troops were called in to break up various blockades and standoffs orchestrated by members of both Serb and Albanian ethnic groups. Beginning July 7 and lasting for several days, ethnic Albanians took part in a major demonstration near the bridge that divides Mitrovica between the northern Serb-inhabited sector and the southern ethnic Albanian sector. A group of 5,000 ethnic Albanians crossed from the southern side to the northern side on October 15, to protest a KFOR policy limiting ethnic Albanian access to the Serb sector. This policy was adopted originally to protect Serbs residing in the area from ethnic Albanian retaliation.

On August 23, tractors manned by hundreds of ethnic Albanians formed a blockade of vehicles to prevent Russian peacekeeping troops from moving into Orahovac. Resentment toward Russians for their support of the Serbian and Federal Governments during the conflict contributed to higher levels of tension in Orahovac, where more than 1,000 persons were killed during the conflict. The area is known to have the highest concentration of identified mass graves, as well as the largest number of war crimes suspects still residing in the province. Reports of persons in Orahovac being shot and burned alive in their houses were widespread during the conflict.

On September 28, two grenades exploded in a Serb market area in Bresje (see Section 1.a.). Three elderly Serbs were killed instantly while 46 others suffered from minor and critical injuries. KFOR arrested two ethnic Albanians suspected of the

crime. Hours after the attack, a Serb group retaliated by blocking a road leading from Pristina to Pec in western Kosovo, forcing authorities to create a detour around Kosovo Polje to maintain the flow of commercial and humanitarian traffic. Ethnic Albanians in turn responded by forming their own blockade on the same road and also on the railroad tracks in Kosovo Polje. KFOR forcibly removed all three blockades in the early morning hours of October 5. The routes reopened, and KFOR positioned troops along the route to maintain order.

The Federal and republic level Constitutions provide for freedom of association; however, the Serbian and Federal Governments restricted this right in the first 6 months of the year.

c. *Freedom of Religion.*—The law in both the Federal Republic of Yugoslavia (FRY) and Serbia provides for freedom of religion; however, in practice both the Government and the legal system provided very little protection for the religious rights of minority groups in the first 6 months of the year.

There was no state religion, but in the first 6 months of the year the Milosevic regime gave preferential treatment, including access to state-run television for major religious events, to the Serbian Orthodox Church to which the majority of Serbs belong. The regime subjected religious communities in the province to harassment. Refugees reported that mosques and religious sites were attacked or destroyed by Serbian forces in at least 21 villages and towns in the spring. Religious sites also served as shelter for ethnic Albanians during the conflict. On March 28, 200 ethnic Albanians who had sought sanctuary in the Albanian Catholic Church of Pec were removed and forced by MUP forces to leave town.

UNMIK respects the right to freedom of religion. In light of societal violence against properties owned by the Serbian Orthodox Church, UNMIK authorities took extra steps in the months following the conflict to ensure that members of all religious groups could worship safely. KFOR deployed security contingents at religious sites throughout the province to protect them from further destruction, as had occurred immediately after KFOR's intervention in June.

However, reflecting the severity of security concerns, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, declared soon after KFOR entered the province that the city of Prizren was no longer safe and announced that he, 9 priests, and 200 Serb civilians would leave for Pristina. Approximately 60 Serb families from Pristina already had taken refuge with Artemije in a monastery outside the city.

On June 17, Patriarch Pavle, the leader of the Serbian Orthodox Church, said in a radio address that he would move temporarily to the historic center of the Church at Pec and appealed to Serbs in the province not to leave.

As of December, Serbian Archbishop Artemije reported that more than 80 Orthodox churches had been destroyed, damaged, or desecrated. Serbian Orthodox priests also were intimidated. One priest was abducted by the KLA and two other priests in Pristina decided to move to the Gracanica monastery for safety (see Section 1.b.). Fearing that the monastery's parish house would be confiscated by KLA, the Church offered it to the UNHCR to use for relief purposes.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement; however, the Federal and Serbian Governments restricted this right in practice in the first 6 months of the year. Federal and Serbian authorities frequently barred FRY citizens from reentering the country. The Milosevic regime continued to restrict the right of ethnic Albanians to travel by holding up the issuance or renewal of passports for an unusually long period of time and reserved the option of prosecuting individuals charged previously with violating exit visa requirements. Serbian authorities also sometimes called in ethnic Albanians for interrogation by state security officers before passports were renewed. Serbian authorities stopped ethnic Albanian men at various checkpoints in areas where KLA activity was thought to be concentrated. In the early months of the year, such men were subjected to random assaults, intimidation, and harassment. Ethnic Albanians also reported being accused of a number of violations, including speeding and lack of proper documentation, after which police would demand payment before they would allow them to proceed. There were also reports of police confiscating travel documents at checkpoints, thereby making freedom of movement impossible within the province.

Starting in March, Serbian authorities conducted a campaign of forced population movement on a massive scale. Ethnic Albanian refugees and IDP's consistently reported being expelled from their homes by Serbian forces at gunpoint, in contrast to the fighting of 1998, when the bulk of the IDP's and refugees fled to escape the crossfire or to avoid reprisals by Serbian security forces. Many victims were herded onto trains and other organized transport and expelled from the province. In addition, Serbian forces expelled the majority of Kosovar Albanians from urban areas

such as Djakovica. Refugees and IDP's reported that those forced to remain behind were used as human shields.

Citizens reported difficulties at borders and the occasional confiscation of their passports. Ethnic Albanians frequently complained of harassment at border crossings. There were numerous reports that border guards confiscated foreign currency or passports from travelers, as well as occasional complaints of physical mistreatment. The authorities generally allowed political opposition leaders to leave the country and return. FRY embassies overseas generally were considered to apply a double standard in issuing passports to their citizens; ethnic Serbs had a much easier time obtaining passports than members of ethnic minorities.

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, were not able to establish their citizenship in the FRY, leaving them in a stateless limbo.

The FRY Government was very slow to issue passports to refugees. This was a particular problem for asylum-seeking parents. For example, German authorities issued such children born in Germany a document certifying their birth. FRY officials in Germany refused to issue passports to such children. When these asylum seekers who have been refused in Germany returned to the FRY with their children, the children traveled on the basis of this document. FRY authorities took the paper at the port of entry and issued a receipt for it. Then the children had no documentation in a country where documentation was a basic requirement. In January 1997 a new citizenship law entered into force, which, when fully implemented, was expected to affect adversely the rights of many inhabitants, including those born in other parts of the former Yugoslavia, refugees, and citizens who migrated to other countries to work or seek asylum.

After Milosevic withdrew his troops from the province in June, the UNHCR oversaw the return of some 700,000 Kosovar refugees from surrounding regions and other countries. Since then, problems with sufficient housing, property records, and education for the returning ethnic Albanians remain unresolved.

In Kosovska Mitrovica there were restrictions on freedom of movement in the second half of the year. Following the withdrawal of Serbian security forces from the province, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians, in the northern part of that town. Ethnic Albanians seeking to go back to their homes in the north were subject to violence and intimidation by ethnic Serbs, who feared the return of the ethnic Albanian residents would jeopardize their security. KFOR did not have sufficient resources to guarantee protection of ethnic Albanians wishing to return to their homes in north Mitrovica. Some 2,000 ethnic Albanians who continue to live in north Mitrovica are subject to harassment when they travel throughout the city or send their children to Albanian-language schools in the southern part of the city. Ethnic Albanian medical personnel and patients were forced to leave the major hospital in north Mitrovica, and ethnic Albanians are not able to attend classes in a campus of Pristina University located in the northern part of the town. Persons who cross the Ibar river from south Mitrovica into the north part of the town are monitored by ethnic Serbs stationed near the bridges, who are able quickly to call upon other ethnic Serbs to discourage unwanted visitors. In early November, two female ethnic Albanian police trainees, along with their U.N. International Police escorts, were attacked by ethnic Serbs after crossing into north Mitrovica to respond to a call.

Since ethnic Albanians still hold FRY passports, those wishing to leave Kosovo again after their repatriation experienced some difficulty in doing so. Their passports were either invalid or not recognized by other countries as a result of the conflict. Therefore, UNMIK began issuing temporary travel documents permitting citizens of the province to travel until a more permanent solution is created.

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

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

The Federal and the Serbian Constitutions provide for this right, but in practice Kosovar Albanians expressed frustration with the province's status within Serbia through a boycott of the political system and did not attempt to effect the Government through the electoral process. The most recent Serbian elections, held in the fall of 1997, were flawed seriously. Starting in June, the OSCE began developing an environment that would allow for new political parties to become more active, with equal access and representation in the media. Preparations are being made for municipal elections, which are likely to be held in September 2000, at the earliest. Work is scheduled to begin by early spring 2000 on a civil register, which is to be used to create a voter register.

No legal restrictions exist on women's participation in government and politics; however, in the first 6 months of the year, they were underrepresented greatly in party and government offices. In the first 6 months of the year, women held less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. In the province before the conflict, a woman led 1 wing of the Social Democratic Party of Kosovo, and the LDK had 3 women in its 12-member presidency. However, according to ethnic Albanian women's groups, those women were exceptional in their political participation, and few women enter politics in the province because of a lack of interest, money, and family support.

No legal restrictions affected the role of minorities in government and politics in the first 6 months of the year; however, ethnic Serbs and Montenegrins dominated the country's political leadership. Few members of other ethnic groups played any role at the top levels of government or the state-run economy. After 1990 ethnic Albanians refused to take part in the electoral process at any level, including the Serbian republic and federal levels. They had virtually no representation in the Serbian republic and FRY government structures.

Ethnic Albanians' refusal to participate in FRY and Serbian elections had the practical effect of increasing the political influence of President Milosevic and his supporters. Ultranationalist parties, including Milosevic's coalition partner the Radical Party of Serbia, also had taken advantage of the ethnic Albanian boycott to garner representation beyond their numbers.

The Kosovo Transitional Council, and advisory council set up by UNMIK, had twelve members, including representatives of the Serb, Turkish, and Bosnian minorities. There were no female members. The Joint Advisory Council on Legislative Affairs had one female member.

There were reports in the second half of the year of KLA self-appointed local administrators restricting the political rights of other parties in regions of Kosovo. KLA representatives allegedly threatened, harassed, and beat LDK members in Prizren and Gnjilane. In early August, the local LDK office in Gnjilane also was ransacked and some of its representatives were detained and harassed. In November an LDK activist in Srbica was killed in what the LDK and some UNMIK officials believe was a politically motivated murder. The LDK has complained that KLA-appointed local authorities have removed school principals and other local officials sympathetic to the LDK.

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

The Government of Serbia formally maintained that it had no objection to international organizations conducting human rights investigations on its territory. However, during the period of its administration of Kosovo, the Serbian regime routinely hindered the activities of human rights groups and regularly rejected their findings.

Local human rights monitors (Serbs as well as members of ethnic minorities) and NGO's worked under difficult circumstances during the first 6 months of the year. A number of reliable international human rights monitors reported that one worker of the CDHRF was missing at year's end, and that all of the organization's workers were harassed routinely and severely by Serbian authorities in the first 6 months of the year.

NGO's reported several blockages by federal and Serbian authorities to the delivery of humanitarian commodities in the province, as well as police searches of NGO vehicles. Harassment, detention, and violence against aid workers also were reported during the first 6 months of the year. On February 21, the president of the Mother Teresa Society branch in the town of General Jankovic and his son were killed in front of their house by unknown assailants (see Section 1.a.). The next day, in a separate incident, a Medicens Sans Frontiers vehicle was attacked on the road between Pristina and Lipjan by a civilian with a rifle. Verbal harassment ensued before the vehicle was allowed to proceed along the road. Societal violence contributed to the precarious environment in which aid workers carried out their duties. On August 15, an anonymous NGO reported that one of its staff members was the object of a failed kidnaping attempt. A U.N. worker of Bulgarian nationality was killed by an angry group of ethnic Albanian teenagers on October 11. Valentin Krumov reportedly was beaten and shot, when he informed an ethnic Albanian of the time using the Serbian language (see Section 1.a.).

The Milosevic regime denied visas to international nongovernmental human rights organizations and to investigators from the ICTY, who wished to conduct impartial investigations into allegations of atrocities committed by Serbian forces and ethnic Albanian paramilitary groups in the province. In October 1998, the Government agreed to the establishment of the OSCE Kosovo Verification Mission (KVM). By the start of the year, the KVM had expanded to several hundred international

verifiers, including human rights personnel, who verified civilian aspects of implementation of UNSCR 1199. However, when the situation in Kosovo further deteriorated, the KVM pulled its verifiers out of the province on March 19. Subsequently, as many as 20 former OSCE KVM local employees were arrested by Pristina police at the start of the conflict.

Prior to the conclusion of hostilities, a number of independent human rights organizations did operate in the FRY, including in Kosovo, researching and gathering information on abuses, and publicizing such cases. The Pristina-based Helsinki Committee was active in monitoring human rights abuses in the province and cooperated with similar organizations based in Belgrade. The Council for the Defense of Human Rights and Freedoms (CDHRF) also collected data on human rights abuses and published newsletters.

ICRC officials complained in the first half of the year of difficulties in securing access to detainees. Serbian authorities, during their administration of Kosovo, failed to allow access to ICTY investigators to the province, preventing the ICTY from carrying out independent and objective investigations into crimes within the Tribunal's jurisdiction. As a signatory to the 1995 Dayton Accords that ended the war in Bosnia and Herzegovina, Serbia-Montenegro is obliged to cooperate fully with the ICTY by turning over to the Tribunal the persons on its territory who were indicted for war crimes and other crimes against humanity under the jurisdiction of the Tribunal. The Milosevic regime's brutal crackdown in the province prompted calls for the ICTY to conduct investigations into alleged atrocities committed there; and the ICTY subsequently indicted Milosevic and four top lieutenants for their role in the crackdown. The ICTY's jurisdiction also is delineated clearly under UNSCR 827 of 1993 and many subsequent resolutions. The regime so far has been uncooperative, claiming that the violence in the province does not constitute an "armed conflict."

In the last half of the year, UNMIK and the OSCE actively encouraged the development of civil society, including domestically based NGO's. Due to the humanitarian crisis that developed after the war, numerous international organizations set up operations in the province to provide relief for the thousands of returning ethnic Albanian refugees, as well as to assist with administration itself. The UNHCR, UNICEF, the ICRC, Catholic Relief Services, and other organizations are instrumental in aiding UNMIK authorities with providing much needed services.

Human rights monitors including the OSCE, the UNHCR, and the Helsinki Committee were active in documenting abuses that occurred in the second half of the year.

UNMIK cooperates with the ICTY, and ICTY investigators made numerous trips to the province since the end of the conflict in June to investigate alleged war crimes committed there in 1998 and 1999.

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

While Federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in reality the legal system provided little protection to such groups in the first 6 months of the year. Following the end of the conflict in June, KFOR and UNMIK were not able to prevent societal violence against Serbs and Roma effectively.

Women.—The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. However, tradition prevents much discussion of the topic of rape among Albanians, since the act is seen as dishonoring the entire family. According to the Center for the Protection of Women and Children in Pristina, rape is not recognized as a crime in Albanian society, making the subject even more secretive.

The situation for ethnic Albanian women in the province worsened throughout the first 6 months of the year. Refugee accounts indicate that systematic and organized rapes took place in Djakovica and Pec; women were raped by Serbian soldiers in full view of their own families. The general reluctance to discuss such matters meant that many more cases likely were not reported.

There were incidents of rape reported throughout the province after the end of the war. These cases were sporadic and largely attributed to the acts of ethnic retaliation and general disorder that were common throughout the province. According to Human Rights Watch, uniformed KLA members participated in an unspecified number of rapes and murders of Serb and Romani women, but there is not sufficient

evidence to substantiate allegations that the ethnic Albanian leadership planned such attacks.

The province served as a source and transit point for trafficking in women for the purpose of forced prostitution (see Section 6.f.)

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, have long subjected women to discrimination. In some rural areas, women often are little more than serfs without the ability to exercise their right to control property and children. However, in the first 6 months of the year women legally were entitled to equal pay for equal work and were granted maternity leave for 1 year, with an additional 6 months available. Under UNMIK administration, women are entitled to the same protections, insofar as they do not conflict with internationally recognized standards. The lack of job opportunities for women in the province has reinforced the traditional culture in which women remain at home.

Previously the cost of an education in Kosovo—fees for enrollment in the parallel system, transportation, clothes, and school supplies—made families reluctant to send girls to school since the prospect of future employment was slim.

Women are active in political and human rights organizations. Women's rights groups continued to operate early in the year with little or no official acknowledgement, but the conflict destroyed the province's network of NGO's.

Since UNMIK's establishment in June, the UNHCR established the Kosovo Women's Initiative (KWI), modeled after the Bosnia Women's Initiative. The KWI was created to fund and organize efforts related to promoting women's issues among larger existing groups, which would in turn encourage participation by smaller local organizations. The KWI actively sought programs that addressed work in rural communities and with rural ethnic Albanian migrants in the urban areas. Three large umbrella organizations are part of the KWI: Oxfam, the Danish Refugee Council, and Maltesers, a German NGO. Proposals for funding from smaller international and domestic NGO's specializing in reproductive health, skills training, and income-generating activities also were reviewed and accepted.

The Women's Forum was the largest previously existing women's organization in the province and is known to be the women's arm of the LDK. Although the group undertakes many humanitarian projects, beneficiaries of such aid generally have been limited to ethnic Albanians.

Children.—The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. Early in the year, the continued division of the province into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children. During the first 6 months of the year, the conflict and the Serb ethnic cleansing campaign interrupted education. Since the end of the conflict, schools have reopened; however, extensive damage to buildings, lack of educational materials, and persistent electric power problems hindered their functioning.

In 1998 the U.N. Children's Fund estimated that between 55,000 and 60,000 Albanian children were not in school in the Albanian parallel educational system because schools were not functioning in Decane, Klina, Glogovac, Srbica, and Djakovica. Such figures likely were much higher in the first half of 1999. In late 1998, international observers reported multiple incidents of police being stationed near schools in the province. Albanian villagers claimed that they were intimidated by the police presence and that consequently children would not return to those schools.

Education for most Kosovar citizens during the first 6 months of the year was interrupted by the conflict and Serb ethnic cleansing campaign. Since the end of the conflict, schools have reopened under UNMIK administration, in collaboration with local authorities. Extensive damage to many schools, lack of educational materials, and persistent electric power problems hindered the full functioning of many schools in the last six months of the year.

The status of education rights has been in flux since the end of the war in June. UNMIK maintains that all children of all ethnic groups should receive free and universal education, although the process of reconstruction of schools was slow in the second half of the year. An estimated 75 percent of schools were damaged in the province during the conflict. Schools in Pristina reopened in early September and all other schools in the province reopened on November 1, with efforts made to ensure that minority students could attend classes safely. UNMIK provided security

for the openings; however, no Serbs allowed their children to enroll in schools in Pristina. An exception to the general goal of minority integration was in Mitrovica, where allowing Serb children to attend school was postponed due to the unstable security situation there (see Section 2.d.). Furthermore, the education system controlled by the shadow government does not provide for Serbian language instruction.

Economic problems also affected the health care system, adversely affecting children. The health situation for children remained particularly poor in the province. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition and poor hygiene and to the deterioration of public sanitation. During the period of Serb administration, ethnic Albanians in some cases feared Serb state-run medical facilities, which resulted in a low rate of immunization and a reluctance to seek timely medical attention. According to the Center for Protection of Women and Children in Pristina, 63 percent of IDP's in the province were children.

The province served as a source and transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There is no societal pattern of abuse of children.

People With Disabilities.—Facilities for persons with disabilities are inadequate. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Federal and Serbian Government enforced these provisions in practice in the first 6 months of the year.

Religious Minorities.—Religion and ethnicity in the province are so closely intertwined as to be inseparable. Serious discrimination against, and harassment of, ethnic minorities was common in the province, and the conflict raised ethnic tensions elsewhere in the country with implications for religious intolerance.

Although UNMIK took extra steps in the months following the end of the conflict in June to ensure that members of all religious groups could worship safely, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, declared that the city of Prizren was no longer safe and announced that he, 9 priests, and 200 Serb civilians would leave for Pristina. Approximately 60 Serb families from Pristina already had taken refuge with Artemije in a monastery outside the city.

On June 17, Patriarch Pavle, the leader of the Serbian Orthodox Church, said in a radio address that he would move temporarily to the historic center of the Church at Pec and appealed to Serbs in the province not to leave.

As of December, Serbian Archbishop Artemije reported that more than 80 Orthodox churches had been destroyed, damaged, or desecrated. The monasteries in Vucitrn and Musutiste were destroyed. Serbian Orthodox priests also were intimidated. The KLA abducted one priest, and two other priests in Pristina decided to move to the Gracanica monastery for safety (see Section 1.b.). Fearing that the monastery's parish house would be confiscated by KLA, the Church offered it to the UNHCR to use for relief purposes.

The small Albanian Roman Catholic community, largely centered in the southern and western part of Kosovo, has complained that KLA members or others acting in the name of the KLA have harassed Catholics and hindered religious activities on the pretense that Catholics collaborated with the Serbs during the conflict.

National/Racial/Ethnic Minorities.—In the first 6 months of the year, hundreds of thousands of ethnic Albanians and Muslims in the province continued to be driven from their homes and fired from their jobs on the basis of religion or ethnicity (see Sections 1.a., 1.c., and 1.g.).

In the second half of the year in previously Serb-dominated areas, Albanians harassed and intimidated Serbs into leaving (see Sections 1.a. and 1.c.). According to Human Rights Watch, uniformed KLA members participated in an unspecified number of rapes and murders of Serb and Romani women during the summer, but there is not sufficient evidence to substantiate allegations that the ethnic Albanian leadership planned such attacks. In some communities, the situation became so grave that KFOR had to provide 24-hour protection to Serbs residing in those areas.

Particularly sensitive locations include Djakovica and Kosovo Polje, where large numbers of Roma resided. In addition, Mitrovica continued to be partitioned between Serbs and ethnic Albanians; and Serbs still were concentrated only in the northern section of Orahovac.

Despite the presence of UNMIK and KFOR, numerous clashes between Kosovars and Serbs continued into the fall, occasionally involving KFOR troops, including a mortar attack on August 16 near the Serb village of Klokot which killed two Serbs and injured five others (see Section 1.g.).

A series of clashes between ethnic Albanians and Serbs in Mitrovica occurred beginning September 9, in which Serbs fired upon a group of Albanians who had re-

turned to the area to check on their houses. One civilian was killed, and at least 10 French KFOR and civilian police personnel were injured, as well as over 50 Serb and ethnic Albanian civilians.

On October 11, Valentin Krumov, a Bulgarian national assigned to UNMIK was beaten and shot in the head in a pedestrian area by angry ethnic Albanians. Krumov, accompanied by two fellow U.N. staff members, was followed by a group of five or six teenage Albanians, before he was asked for the time. When Krumov responded in Serbian, the group proceeded to beat and kick him. Finally a shot was fired to Krumov's head, killing him instantly. The U.N. investigated the incident but had not made any arrests by year's end.

The Romani population generally was tolerated and there was no official discrimination in the first half of the year. However, prejudice against Roma was widespread and increased among the ethnic Albanian population during the conflict and in the last half of the year. Incidents of societal violence against Roma increased sharply. As of mid-July, some 3,000 Roma, who had experienced difficulty finding refuge within the province, fled to a Romani settlement at Konic in Montenegro. A total of 8,000 Roma fled to various sites in Montenegro. Roma organizations reported that a total of 100,000 had fled the province during the conflict but had been recorded by international NGO's as Kosovar Albanians.

Many Roma who feared for their safety gathered in Kosovo Polje after the withdrawal of Serbian forces from the province in June. The Romani community moved from its makeshift, overcrowded, and unsanitary settlement at a Kosovo Polje school on July 21 to a new camp in Obilic. The UNHCR organized the move. A community that had numbered over 5,000 at one point, dwindled down to 1,500 at the prospect of an unpopular move. Roma leaders feared for the safety of the community at the new camp. Despite KFOR escorts accompanying them during the move, the refugees were harassed while traveling to the new camp outside of town. Ethnic Albanian children reportedly threw stones at the IDP's, and once there, there was a verbal altercation between the Roma and neighboring ethnic Albanians. The tent city at Obilic is now closed, and those of its inhabitants who did not go to FYROM or back to their home villages now live in a renovated, more secure collective dwelling in the village of Plementina, near Obilic. Some 8,000 Roma are there.

A community that once numbered 100,000 to 150,000 in the province before the conflict has been reduced sharply. Most Roma have fled to neighboring countries, by some estimates 10,000 Roma remaining in Kosovo at year's end.

Serbs displaced from Croatia by the earlier conflict there and resettled in Kosovo appealed to the UNHCR for protection in July, although most seemed already to have fled the province at that point.

Section 6. Worker Rights

a. *The Right of Association.*—All workers except military and police personnel have the legal right to join or form unions. In the first 6 months of the year, unions were either official (government affiliated) or independent. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati) was the largest union, and the largest independent union is the United Branch Independent Labor Unions (Nezavisnost). Most other independent unions were sector specific, for example, the Independent Union of Bank Employees. Due to the poor state of the economy, over one-half of union workers were on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to enable countrywide strikes. The independent unions also claimed that the Government prevented effective recruiting through a number of tactics, which included preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions. Some foreign union organizers managed to secure visas during the year after long delays.

The largely splintered approach of the independent unions left them little to show in terms of increased wages or improved working conditions. The trade union organizations that existed in the province in the first 6 months of the year did little to protect the rights of ethnic Albanian workers and often served as mechanisms for discrimination against them.

In the second half of the year, UNMIK began actively promoting the formation of labor organizations to further the rights of workers.

Since the war, labor organizations that include ethnic Albanians once again have begun to appear. The dominant organization, the Confederation of Independent Trade Unions of Kosovo, is in the process of reconstructing itself. Founded in 1990, the confederation initially included 24 independent unions with approximately 250,000 members. However, under the Milosevic regime, Serbian authorities regularly harassed its members, and during the war, its president was killed and union

records were destroyed. The current president is working with the International Labor Organization (ILO) to establish a Solidarity Center office in Pristina.

The ability of unions to affiliate internationally remains constrained, although there are no legal impediments to their doing so.

b. *The Right to Organize and Bargain Collectively.*—While this right is provided for under law, collective bargaining remained at a rudimentary level of development. In the first 6 months of the year, individual unions tended to be very narrow and pragmatic in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country had centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees had been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result was a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers' militancy.

Since the end of the conflict in June, given the poor state of the economy and the high unemployment rate, wages barely are paid on time, let alone subject to negotiation by labor organizations. In time, once the economy becomes more robust, it is the goal of UNMIK to provide mechanisms for labor to organize and bargain collectively.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the province served as a source and transit point for trafficking in women and girls for the purpose of forced prostitution.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls trafficked from and through the province for the purpose of forced prostitution (see Section 6.c.).

e. *Acceptable Conditions of Work.*—In the first 6 months of the year, large government enterprises, including all the major banks, industrial, and trading companies generally observed minimum wage standards. The monthly minimum wage was approximately $20 to $40 (Din 250 to 500). However, this figure was roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage was at the low end of the range of average net salaries, $85 to $106 (Din 700 to 1,200). The minimum wage was insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four was estimated to be $230 (Din 2,150) per month. Private enterprises used the minimum wage as a guide but tended to pay somewhat higher average wages.

Since the end of the conflict in the province in June, there was no effective minimum wage rate, as Albanians refused to recognize the FRY/Serbian legal code. The average wage was not sufficient to provide a decent standard of living for a worker and family.

Reports of sweatshops operating in the country are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In light of the competition for employment, and the high degree of government control over the economy, workers were not free to leave hazardous work situations without risking the loss of their employment.

f. *Trafficking in Persons.*—There is little information available on trafficking, although the province is a source and transit point for women and girls trafficked to other parts of Europe for forced prostitution. Laws can be used to prosecute traffickers. In April relief agencies warned that criminal gangs were trying to abduct young girls from the province and traffick them to Italy and Greece for forced prostitution. According to one survey, some 37 percent of women in refugee camps in

Kosovo acknowledged being approached by traffickers. At OSCE meetings in September and October in Vienna, participants called for the problem of trafficking to be addressed quickly in Kosovo, before organized criminal elements became well established there.

MONTENEGRO

Montenegro, despite its status as sister republic to Serbia within the FRY, continued to make strides in its democratization process. Montenegro is now a multiparty, multiethnic, parliamentary democracy under the leadership of President Milo Djukanovic, who was elected in November 1997. International elections monitors judged those elections to be free and fair, as were the parliamentary elections in May 1998 in which Djukanovic's reform coalition won control of the Republican Assembly (the republic's parliament). At the start of the year, Montenegro already had established a large degree of de facto independence from federal authorities, but events during the year effectively steered the government further away from the federal control of Milosevic's regime in Belgrade, which the Montenegrin authorities do not recognize as legitimate. The Government submitted a proposal on August 5 that would give republic authorities control over the army on its soil and the right to establish a separate currency. The government respects the constitutional provisions for an independent judiciary in practice.

The republic police, under the authority of the Ministry of the Interior, has primary responsibility for internal security. However, the Yugoslav Second Army, which has federal jurisdiction in the republic and is under federal authority, and whose ranks increased from 12,000 to 40,000 during the war, made repeated attempts to usurp control over the civilian police and the justice system. During the conflict in Kosovo, the Federal Government declared martial law and also demanded that the republic police be placed under military command, a request that the Djukanovic government rejected. The republic never recognized officially or implemented the state of war declared by the FRY administration in March.

The economy is in transition from a Communist system to a market-based system. The republic's tourism-dominated economy suffered as a result of the NATO air campaign against Serbia. Although Montenegrin sites were largely unscathed, tourist activity fell sharply. The government conservatively estimated that during the year the economy contracted by 13.8 percent, tourism fell by some $60 million (100 million DM), while industry declined by some $75 million (120 million DM). The federal navy blockaded shipping through the Port of Bar during the war but reopened the port on May 10. While exempted from some Western sanctions, the republic was still the object of EU sanctions until October. Sanctions imposed by Serbia continued at year's end. Unemployment rose significantly to at least 35.8 percent, the government faced unexpected budgetary shortfalls, and the government appealed for new foreign investment. GDP per capita is estimated at $937 for the year.

The republic government generally respected the human rights of its citizens; however, there were some reports of abuses committed by federal VJ troops stationed in the republic. VJ troops committed extrajudicial killings, abducted Kosovar refugees, detained Kosovar refugees and journalists, and sought to restrict press freedom. VJ troops forcibly conscripted youths and restricted freedom of movement. Violence and discrimination against women and minorities continued to be a problem. Throughout the year, there were also reports of harassment and intimidation of Muslims in the Sandzak region of the republic. The republic was the destination for an estimated 70,000 IDP's from Kosovo, in addition to some 35,000 refugees still resident in the republic as a result of the conflict in Bosnia-Herzegovina, which together severely taxed the government's resources and willingness to provide these refugees with sufficient social and physical protection.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings by the government. However, on April 19, in a drunken rampage VJ reservists under FRY command killed eight persons, including local citizens and refugees from Kosovo, in the village of Kaludjerski Laz in Rozaje municipality. As a result, ethnic Albanian and Muslim local residents, as well as Kosovar refugees, left the area. The republic police force increased its manpower there to 1,500 men, effectively defusing the situation.

b. *Disappearance.*—There were no reports of politically motivated disappearances by republic authorities. However, on May 15, the VJ separated 20 men from a convoy of seven busses filled with Kosovar Albanian refugees, which the VJ prevented

from crossing the border from Montenegro into Albania. The men were released several days later.

c. *Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other cruel forms of punishment, and there were no reports of such practices being carried out by the republic government; however, there were frequent reports that the federal VJ created a climate of intimidation and instability through its actions. On June 9, government officials submitted a list of 151 criminal charges against reservists in the VJ for offenses including unruly behavior, attacking republic police, endangering the environment, theft, and unlawful detention (see Section 1.d.). The chief prosecutor for the VJ did not act on the charges.

Prison conditions meet minimum international standards.

The Government generally permits prison visits by human rights monitors, including the ICRC.

d. *Arbitrary Arrest, Detention or Exile.*—The law prohibits arbitrary arrest and detention, and the government observes these prohibitions; however, there were reports that federal VJ troops arbitrarily detained Kosovar refugees and foreign journalists. During the conflict, VJ troops stationed in the republic detained dozens of Kosovar refugees accused of being members of the KLA in a military prison in Spuz, near Podgorica. During the summer, following the cessation of hostilities, those held were released after the Montenegrin government petitioned for their release. The VJ detained international journalists for periods lasting from several hours to several days on a regular basis (see Section 2.a.). In April the military court in Podgorica issued arrest warrants for Deputy Prime Minister Novak Kilibarda and Minister of Justice Dragon Soc for allegedly not responding to their draft summons (see Section 1.f). On June 10, Croatian journalist Antun Masle escaped from a hospital in Podgorica, where he was held on charges of espionage for several weeks.

Forced exile is prohibited and is not used.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the government respects this provision in practice. The judiciary provides citizens with a fair judicial process. However, there is a backlog of cases, the system suffers from a lack of resources, and minor corruption remains a problem.

The court system consists of local, district, and supreme courts at the republic level. There is also a military court system under the control of federal authorities.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such practices, and government authorities generally respect these prohibitions. However, during the conflict in Kosovo, the FRY Government attempted to draft Montenegrin citizens into the VJ for service in Kosovo. These notices largely were ignored and even were protested by the Montenegrin populace. As a consequence, there were reports that VJ troops broke into houses of young Montenegrin men and forcibly conscripted them. However, such efforts were largely ineffective since some 14,000 Montenegrins ignored the conscription orders and under the law were permitted to remain at liberty pending judicial action. The military courts also issued arrest warrants for draft resisters in Podgorica, including Minister of Justice Dragon Soc and Deputy Prime Minister Novak Kilibarda in April. However, no action was taken to arrest these government officials by year's end.

To counteract the draft, the government implemented an "obligatory working duty," which possible recruits could cite as a reason why they could not enter into military service. Others simply ignored draft notices and risked being called before a military tribunal. The republic government also defied VJ draft orders; the republic police refused to hold resisters in jail and granted them amnesty. The drafting campaign yielded little results by mid-May, and the VJ eased its efforts in the republic. In November the Montenegrin assembly passed a law granting amnesty to persons who evaded the draft from June 1998 to June 1999. Some 14,000 persons are expected to receive amnesty as a result of the legislation.

On April 18, VJ troops in Rozaje searched the houses of ethnic Albanians looking for arms.

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 republic government generally respected this right in practice, despite repeated VJ attempts to interfere. During the year, the Government continued to take steps to encourage a freer press by allocating more frequencies to independent radio stations and reducing the fees charged to them. TV Elmag, a privately owned television station, 14 municipal radio stations and 19 private radio

broadcasting organizations began or continued operations during the year. During the war, Montenegrin authorities and media outlets resisted pressure from the Milosevic regime and military authorities to stop rebroadcasting Western news programming; however, in apparent response to the pressure authorities cut back the nearly continuous rebroadcast of Western newscasts. Montenegrin authorities resisted VJ demands to take over control of government television towers. After the war, rebroadcasts of Western programs continued without restriction.

The Montenegrin government directly impeded free speech in one instance, on October 20, when it ordered the radio station Radio Free Montenegro to stop transmitting, because it had not reached an agreement on broadcasting location and frequency with the Economic Ministry. However, the editor of the station claimed that this move was a political decision by President Djukanovic to stifle proindependence views. Authorities permitted the station to broadcast again on November 15.

The VJ also pressured publishers not to print materials that it judged to have a negative influence on the war effort. Uniformed and armed VJ members met with publishers to complain about stories and broadcasts they found objectionable. TV Elmag, a local news station, had its frequency reestablished in April. The official reason given for the temporary reduction in TV Elmag's frequency was its failure to pay its operating fees for 2 months.

Two independent journalists, Nebojsa Redzic, of Radio Free Montenegro, and Miodrag Perovic, owner of the Podgorica Monitor, fled the republic in April and May, after being accused by the VJ of "impeding the fight against the enemy." They were unable to return safely until the war was over.

The VJ detained international journalists on a regular basis. On June 10, Croatian journalist Antun Masle escaped from a hospital in Podgorica, where he had been held on charges of espionage for several weeks. In April the VJ briefly detained two French journalists on espionage charges.

On October 2, Ranko Basanovic, a reporter for Dan, was attacked by unknown assailants outside the newspaper's editorial offices. He was injured in the head and kidneys. Dan is widely regarded as a mouthpiece for Yugoslav Federal Prime Minister Momir Bulatovic, who is President Djukonovic's strongest political rival in Montenegro.

Books expressing a wide range of political and social viewpoints are available, as are foreign periodicals and other publications from abroad. However, the supply is limited due to the economic situation and the relatively small demand.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly and association, and the government respects this right in practice.

c. *Freedom of Religion.*—The law provides for freedom of religion, and the government generally respects this right in practice. Reports of harassment in the Muslim populated Sandzak region indicate that it was carried out mostly by the VJ.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The republic Constitution provides for freedom of movement; and the government respects this right in practice; however, federal authorities operating in the republic often interfered with this right. On May 15, the VJ prevented seven busses filled with Kosovar Albanian refugees from crossing the border from Montenegro into Albania. The VJ separated 20 men from the convoy and detained them temporarily.

On May 16, the VJ established three checkpoints on the border between Montenegro and Bosnia and Herzegovina, at Ilijino Brdo, Vracenovic, and Scepan Polje, to prevent military recruits and reservists from leaving the country, to impede Montenegrin trade, and to interfere with the delivery of NGO medical supplies. Border crossings usually are controlled by republic police, and this action was seen as yet another instance of the federal regime's interference in the republic and abuse of power. The checkpoints were removed after the war.

The government cooperated with the UNHCR in assisting IDP's from Kosovo. The republic government accepted approximately 70,000 IDP's (well over 10 percent of the republic's population) from Kosovo before and during the armed conflict there. The international community contributed financial support to the IDP's in the republic through the UNHCR and other intergovernmental and nongovernmental humanitarian organizations. The IDP's largely were confined to camps along the border, since the border areas contained the largest number of ethnic Albanian residents of Montenegro who were willing to offer assistance. Ethnic Albanian children initially were denied access to schools. However, by year's end, the Government was working with international organizations on a plan to begin enrolling IDP children.

There was no official mechanism by which refugees or foreign nationals could establish residency. A new citizenship law was passed in late October and is in the

process of being implemented. The new law, while stringent in its requirements, provides a legal and equitable means for persons to acquire Montenegrin citizenship.

The government did not return forcibly IDP's to Kosovo, assisted with repatriation only after the conflict was over, and did so under U.N. supervision. There were no reports of the forced return of persons to a country where they feared persecution during the year.

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

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice with respect to republic institutions, but not with federal-level institutions. President Djukanovic became in 1998 the first president popularly elected in free and fair elections. The republic government invited the OSCE to observe both the presidential elections in 1997 and the parliamentary elections in 1998. Both elections were judged to be free and fair. The government enjoys the support of a multiethnic coalition in the republic assembly.

President Milosevic dominates the FRY political system and was widely believed to be attempting to consolidate institutional power at the federal level at the expense of the republics as a result of his move in 1997 from the Serbian republic-level presidency to the federal presidency. This move precipitated tensions with authorities in Montenegro, who were intent on protecting the republic's authority for self-government. By manipulating power within the Federation based on the comparative size of the Serbian and Montenegrin populations and economies, President Milosevic has been able to circumscribe the Montenegrin government's and citizenry's capacity for independent action and ability to influence the Federal Government. In the months following the crisis in Kosovo, growing dissatisfaction in the republic prompted President Djukanovic and members of his administration to call for a review of the republic's role in the Federation. Concern over possible coup attempts that might be orchestrated by the Milosevic regime against the elected government in Podgorica led the republic government to demand more control and greater distance from the Serb dominated FRY regime.

In August Djukanovic called for the current federation structure to be revised into a confederation, and for the federal governing bodies to be dissolved. Djukanovic also threatened that he would hold a popular referendum on independence, if the republic's needs were not addressed.

Despite the Montenegrin government's legal rights under the FRY Constitution, federal authorities under Milosevic's control throughout the year continued not to recognize the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the Speaker of the upper house, were not changed to reflect the results of 1998 Montenegrin parliamentary elections. Moreover, in violation of past practice, Milosevic installed Momir Bulatovic as Federal Prime Minister and ignored the Montenegrin Government's wish to have some voice in who was picked for this key position in the federal power structure. Milosevic's antidemocratic control over federal courts was demonstrated when the Federal Constitutional Court ruled against the Montenegrin government late in the year in disallowing the Montenegrin Authorities' attempt to select all 20 Montenegrin representatives to the Federal Assembly's Chamber of the Republics. The ruling was a complete reversal of a 1994 decision, which allowed Milosevic's ruling coalition in Serbia at the time to name all 20 Serbian representatives to the upper chamber while he was the President of the Serbian republic.

No legal restrictions exist on women's participation in government and politics; however, they are underrepresented greatly in party and government offices. There are no female ministers in the government, but there are five deputy ministers and three members of parliament.

No legal restrictions affect the role of minorities in government and politics, but they are underrepresented, and ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated to a large degree in the last elections. The area of the republic primarily inhabited by ethnic Albanians was established as a separate voting district in the 1998 parliamentary elections and, in proportion to the region's population, five representatives were elected to the Parliament from the district. Ethnic Albanian parties captured two of the seats, with the multiethnic program of the pro-Djukanovic Coalition capturing the other three seats. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

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

A number of domestic and international human rights groups operate without government restriction, and republic officials generally are cooperative and responsive to their views. Local NGO's include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and S.O.S., a support group for abused women and children. In addition, several international organizations work with the UNHCR, the ICRC, and the Montenegrin Government to deal with the humanitarian situation that developed along the border with Kosovo. The republic government also invited the OSCE Kosovo Verification Mission to set up an office in Podgorica. The Montenegrin government pledged in July to cooperate with the ICTY and apprehend persons indicted for war crimes found in the republic. In November justice minister Soc confirmed that authorities had detained Veselin Vlahovic, who is wanted for war crimes committed in Bosnia and Herzegovina. Bosnian officials announced that they planned to seek Vlahovic's extradition and try him in Sarajevo, as permitted by the ICTY.

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

While federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, or social status, and prohibit discrimination against women, in reality the legal system has made little progress in providing protection to such groups.

Women.—The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family.

The country served as a transit point for trafficking in women and girls for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men in the republic, and few women hold upper level management positions in government or commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, have long subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and between 1 year and 18 months of maternity leave. Women are active in human rights and women's organizations.

Children.—The government attempts to meet the health and educational needs of children, but insufficient resources at times impede this goal. The educational system provides 8 years of mandatory schooling. When IDP's began arriving from Kosovo in 1998, the republic government initially refused to extend this educational benefit to Kosovar Albanians. However, after having consulted with and received promises of assistance from international organizations, the government announced late in the year that displaced children soon also would be allowed to attend school. Although ethnic Albanian children have access to instruction in their native tongue, the government came under criticism for not also developing a curriculum in which ethnic Albanians could learn about their own culture and history.

The country served as a transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There is no societal pattern of abuse of children.

People with Disabilities.—Facilities for the disabled are inadequate. The law prohibits discrimination against the disabled in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable. Discrimination exists on a societal level, but reports of harassment in the Muslim populated Sandzak region were concentrated primarily in the spring, during the conflict with NATO and the deployment of the VJ into the region. Incidents generally were limited to verbal and physical harassment.

Prompted at least in part by an increasing drive for political independence, an autocephalic Orthodox Church was established in Montenegro in the late 1980's. The Church, which has not been recognized by any existing Orthodox community either within or outside the country, has claimed holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church remains the most widespread faith in Montenegro and has rejected the property claims. The Montenegrin Ortho-

dox Church currently holds services in secular buildings or outdoors. Although there is no official contact between the competing Churches, authorities have balanced the two Churches without provoking conflict. However, violence broke out late in the year when on November 21 Serbian Orthodox Father Dragan Stanisic reportedly hit Montenegrin Orthodox Metropolitan Mihajlo in the face during a confrontation on a road near Cetinje. According to press reports, Father Stanisic's followers then attacked Metropolitan Mihajlo's car, although Stanisic denies that the incident ever occurred. Approximately 250 persons demonstrated against the incident in Cetinje, and authorities called up riot police and reinforcements to prevent further incidents. Seventh-Day Adventists and Jehovah's Witnesses are officially registered religions in the republic. However, their followers report that their efforts to build and renovate church buildings have been impaired by persons they believe to be loyal to the local Serbian Orthodox Church.

Ethnic Minorities.—In January the government began a pilot program in ethnic Albanian communities, which devolved extensive authority, including taxation, to locally elected officials. An Albanian Democratic Union member also was appointed to the post of Minister of Minorities to ensure that equal representation and opportunities would exist for all ethnic groups. However, societal discrimination against minorities exists. Throughout the year, there were also reports of harassment and intimidation against Muslims in the Sandzak region, as well as harassment of Kosovar refugees carried out by the VJ during the spring (see Sections 1.a., 1.c., 1.d., and 1.f).

The Romani population is tolerated, and there is no official discrimination. However, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community. Skinheads occasionally violently attacked Roma (see Section 1.c.).

Section 6. Worker Rights

a. *The Right of Association.*—All workers except military and police personnel have the legal right to join or form unions. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented and access to international labor organizations is limited, there have been little tangible results in the form of improved conditions and higher wages. Another factor impeding the collective bargaining power of the workers was the poor condition of the economy, in which high unemployment gave the employers the upper hand in setting wages and work conditions, as workers competed for whatever jobs existed.

Unions may affiliate with international labor organizations.

b. *The Right to Organize and Bargain Collectively.*—This right is provided for under law, but collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail, as a result of the high unemployment rate, and these fears limit the groups' militancy.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the republic served as a transit point for trafficking in women and girls for the purpose of forced prostitution.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The official minimum age for employment is 16 years, although in farming communities, it is not unusual to find younger children assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes. The high unemployment rate, exacerbated by the conflict in Kosovo, ensures that there is little demand for child labor in the formal sector. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls trafficked through the republic for the purpose of forced prostitution (see Section 6.c.).

e. *Acceptable Conditions of Work.*—Large government enterprises, including all the major banks, industrial, and trading companies generally observe the minimum wage standard, which is approximately $20 to $40 (Din 250 to 500). However, this figure is comparable to unemployment benefits or wages paid to those on mandatory leave. The actual minimum wage for workers in active status is closer to $85 to $106 (Din 700 to 1,200). Although firms actually pay slightly higher than these wages, this amount is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be $230 (Din 2,150) per month.

The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. *Trafficking in Persons.*—The law specifically forbids trafficking in persons. There is little information available on trafficking, although the republic is a source for women and girls trafficked to other parts of Europe for forced prostitution. Recently six women who were victims of trafficking were returned to Ukraine.

SLOVAK REPUBLIC

The Slovak Republic became an independent state in 1993, following the dissolution of the Czech and Slovak Federal Republic (CSFR). Its Constitution provides for a multiparty, multiethnic parliamentary democracy, including separation of powers. The first direct presidential elections were held in May and were declared fair and free by the Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR). Prime Minister Mikulas Dzurinda took office after parliamentary elections in the fall of 1998. Slovakia chose to carry over the entire body of CSFR domestic legislation and international treaty obligations, which still are being renewed or updated. The Constitution provides for an independent judiciary; however, some critics allege that the Ministry of Justice's logistical and personnel authority allows it to exert some influence on the judicial system.

The national police, which fall under the jurisdiction of the Ministry of Interior, are the primary law enforcement agency. In addition to domestic law enforcement, they also have responsibility for border security. The Slovak Information Service (SIS), an independent organization reporting directly to the Prime Minister, is responsible for all civilian security and intelligence activities. A parliamentary commission composed of legislators from ruling and opposition parties oversees the SIS. Civilian authorities generally maintain effective control of the security forces. Police committed some human rights abuses.

Slovakia continued to make progress in the transition from a command-based to a market-based economy, with more than 85 percent of gross domestic product (GDP) now generated by the private sector. The economy is largely industrial, with only 7 percent of GDP generated by agricultural production. Major exports are iron and steel products, audio and video equipment, machinery and transport equipment, plastic materials, paper products, apparel, petroleum products, and organic chemicals. GDP growth slowed from 4.4 percent at the end of 1998 to 1.8 percent in the third quarter of the year, partly in response to government austerity measures adopted in January and May to deal with a chronic current account deficit. Inflation increased to 14.2 percent for the year, largely due to increases in regulated prices. The slowing in growth and high current account deficits are largely the result of a failure under the previous government to implement structural reforms, such as financial sector privatization and industrial restructuring. Real GDP per capita was approximately $3,800 at the end of 1998, the last date for which statistics are available, providing most of the population with an adequate standard of living. Unemployment was more than 18 percent, reaching almost 35 percent in some areas. A disproportionate number of unemployed are Roma, who face exceptional difficulties in finding and holding jobs, partly as a result of discrimination.

The Government generally respected the human rights of its citizens, and the human rights situation improved during the year; however, problems remained in some areas. There was one possible extrajudicial killing by police, and police on occasion beat and abuse Roma. Authorities on occasion infringed on citizens' privacy rights; however, the practice of using the SIS under the former government to conduct surveillance of many political figures, journalists, and their spouses has been eliminated. The absence of government intimidation removed the pressure on journalists to practice self-censorship. Media monitors report that government politicization of the state-owned electronic media has been nearly eliminated; however members of the press reported that some figures close to the Government pressured state-owned Slovak Television (STV) to report government activities positively. Discrimination and violence against women remain problems. Abuse of children and discrimination against the disabled are problems. Roma faced societal discrimination, and the police sometimes failed to provide adequate protection against

attacks on them by skinheads or to investigate such cases vigorously. Skinhead attacks on Roma increased during the year. Some anti-Semitic incidents occurred, and limited societal discrimination against the Hungarian minority persists, mainly in regions where only small numbers of the ethnic Hungarian minority reside. There were instances of trafficking in women and girls.

During the year, the Dzurinda Government corrected some abuses of the previous government, initiated investigations into some serious crimes, and created the position of special government commissioner for Roma issues in the Office of Deputy Prime Minister for Human Rights and Minorities. Deputy Prime Minister Pal Csaky continued the dialog that he had opened with religious and ethnic minorities late in 1998 but came under increasing criticism for concentrating on the problems of the ethnic Hungarian minority rather than the Roma minority. The Parliament also created a special Parliamentary Advisory Committee for Roma Issues in February and in July passed a minority language law.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government officials. However, a police officer allegedly shot a 21-year-old Rom while he was being interrogated for allegedly stealing a bicycle in Poprad in the north central region of the country in August. The case is currently under investigation, and the police officer involved was suspended during the investigation. The Commissioner for Romani Affairs, Vincent Danihel, complained in August that he was not satisfied with the police officer's explanation of the death, i.e., that the Rom had shot himself with the gun of the officer who was questioning him. Danihel pointed out that if the explanation were true, the officer violated regulations by interrogating the Rom alone with a gun accessible to him.

There was no progress during the year in the investigation of the 1996 death of Robert Remias. There has been widespread press speculation that elements of the security services were involved in the death.

In January Jan Ducky, the former Economy Minister under the previous Prime Minister Vladimir Meciar and head of the national gas distribution monopoly, was killed in the lobby of his apartment building. Meciar's party, the Movement for a Democratic Slovakia (HZDS), believes that the killing was the result of political intolerance. The authorities filed charges against Ducky a week prior to his killing for financial mismanagement and illegal property transfers while at the gas monopoly. Interior Minister Ladislav Pittner stated that Ducky may have been killed to prevent his testimony on the Meciar government's reported financial misdeeds. Authorities arrested a Ukrainian citizen on charges of murder in the case by year's end.

On November 16, Minister of Justice Jan Carnogursky established a department for the documentation of crimes committed by the Communist regime. The department is to conduct interviews and gather evidence on the regime's acts of violence and persecution against its citizens.

Skinhead violence against Roma increased during the year but did not lead to any confirmed cases of death, unlike the previous year.

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, police on occasion beat Roma. In January police officers reportedly raided a Roma settlement in Kosice, injuring 16 Roma, including women. In October during a raid on a Romani community in Zehra, police allegedly used excessive force as they detained nine Roma on charges of hooliganism. During the incident, police shot a 13-year-old Romani boy with a plastic bullet, and he was hospitalized as a result of his injury. An investigation is under way. Police reportedly use pressure and threats to discourage Roma from pressing charges of police brutality (see Section 1.e.).

Credible sources say that the police sometimes tolerate violence against Roma by not investigating attacks against them in a timely and thorough manner (see Sections 1.e. and 5). Some police also infringe on the rights of Roma to social benefits and housing (see Section 2.d.). Roma in Vrable continue to lodge complaints against local law enforcement officer Roman Frajka for allegedly attacking teenage Romani boys. To date there have been no official charges brought against him.

Residents of Asian origin complain that police fail to investigate skinhead attacks against them as well.

Interior Minister Pittner released a report in January attesting to the SIS's influence over the Ministry of Interior under Meciar, especially over the investigative and criminal police sections.

The 1995 case of the violent abduction of the former President's son, Michal Kovac Jr., to Austria, during which he was tortured, remains unsolved. The new Government actively reinvestigated the case in which former SIS personnel are alleged to be implicated. On February 26, the police arrested two former high-ranking officers of the SIS. On February 25, the Parliament lifted parliamentary immunity from former Interior Minister Gustav Krajci, enabling his formal prosecution for his involvement in thwarting the referendum on NATO entry and direct presidential elections. On April 9, Parliament lifted immunity from former SIS head Ivan Lexa in five of the seven cases in which he allegedly was implicated, and subsequently he was placed in preliminary detention. However, he was released later on the decision of a regional court, and the Constitutional Court concurred that amnesties granted to Krajci and a second official involved in the case, Jaroslav Svechota, by former Prime Minister Meciar largely could shield them from prosecution. Lexa also had been charged with obstruction of justice in connection with the investigation of bombs that were set off at an opposition rally in 1997, and his prosecution continued at year's end.

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Unknown assailants attacked a labor union official in October (see Section 6.a.).

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

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

A person accused or suspected of a crime must be given a hearing within 24 hours and either set free or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 24 hours, at which the judge either sets the accused free or issues a substantive written order placing the accused in custody. Investigative detention may last up to 2 months and may be extended. The total length of pretrial detention may not exceed 1 year, unless the Supreme Court extends it, after determining that the person constitutes a serious danger to society.

Pretrial detainees constituted roughly 25 percent of the total prison population, and the average pretrial detention period was 7.2 months. The law allows family visits and provides for a court-paid attorney if needed. A system of bail exists. Noncitizens may be detained for up to 30 days for the purposes of identification. Detainees have the right to see an attorney immediately and should be notified of this right; however, one nongovernmental organization (NGO) reports that not all detainees are notified of their rights.

The Constitution prohibits exile, and the Government observes this prohibition.

e. *Denial of Fair Public Trial.*—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, some critics allege that the dependence of judges upon the Ministry of Justice for logistical support, the granting of leave requests, and other services undermines their independent status. Also, the Ministry of Justice can demote presidents and vice presidents of the courts for any reason, although they remain judges, and it has done so. Although not specified in legislation, in practice the Association of Judges now nominates presidents of courts, and the Ministry of Justice to date has accepted all of the nominations. This practice increases the independence of the judicial branch.

The court system consists of local and regional courts, with the Supreme Court as the highest court of appeal except for constitutional questions. There is a separate Constitutional Court—with no ties to the Ministry of Justice—that considers constitutional issues. In addition there is a separate military court system, the decisions of which may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 7-year terms based upon parliamentary nominations. Parliament elects other judges, based on recommendations from the Ministry of Justice, and can remove them for misconduct.

Persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgment against them. Human rights monitors continued to charge that police are reluctant to take the testimony of witnesses to skinhead attacks on Roma (also see Sections 1.c. and 5). Furthermore, they reported that police used the device of countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. Human rights monitors reported that medical doc-

tors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations, for fear that this would have a negative effect on their practice.

In November Chairman of the Constitutional Court Milan Cic announced that politicians were pressuring the Constitutional Court in the case of former Deputy Head of the SIS Jaroslav Svechota. Cic complained that some political leaders expected the Court to rule in accordance with their written "recommendations," which could threaten the Court's independence. Svechota's case before the Court concerns amnesty issued by the previous government. When the Court ruled in his favor, the prosecution of individuals involved in the Kovac Jr. case was halted (see Section 1.c.).

Credible sources claim that it is increasingly difficult for citizens who are not economically advantaged to obtain noncriminal legal representation. Therefore it is becoming more difficult for some who may have had their rights infringed upon to take further action. According to one NGO leader, even the Chamber of Advocates, the professional organization that approves bar appointments and serves as an advocate for lawyers, encouraged its members to avoid accepting clients who could be considered disadvantaged.

There were no reports of political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The law provides for these rights, but the authorities sometimes infringed upon them. The Criminal Code requires police to obtain a judicial search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, or if there is some other important reason. Police must present the warrant before conducting the house search or within 24 hours after the search.

Roma activists have alleged that police have upon occasion entered their premises without a search warrant.

The 1993 police law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted on the order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. Although it is clear that the SIS no longer participates in illegal activities on the scale that it did under the previous government, some Romani activists allege that their telephones were tapped and that they have been placed under surveillance, particularly when large numbers of Roma applied for political asylum in Finland and Norway 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 respects this right in practice. The print media are free and uncensored, and unlike the previous year, individuals now report that they feel able to criticize the Government without fear of reprisal.

Newspapers and magazines regularly publish a wide range of opinions and news articles. The politicization of state-owned broadcast media, which was a significant problem under the previous government, no longer is evident. There were no reported cases of journalists being intimidated or threatened in attempts to influence their reporting. However, the press reported a number of allegations that individuals associated with the current Government pressured state-owned Slovak Television (STV) to favor government interests in political reporting. In August Democratic Party (DS) Vice Chairman Peter Zajac said that the DS was "concerned with attempts by some politicians to interfere with the public character of Slovak Television." There were other reports that government supporters influenced STV management to block perceived criticism.

The potential for political interference exists because STV is reliant on government funds. However, STV officials assert that government officials do not threaten retaliation if the STV does not report the news to the Government's liking.

Shortly after the May presidential elections, the NGO Memo, which had monitored election coverage, issued a report indicating that the STV and TV Markiza both had given a disproportionate amount of broadcast time to the winning candidate, Rudolf Schuster, who was supported by the Government. According to Memo, TV Markiza's coverage of other candidates was largely negative. The Slovak Council for Radio and Television Broadcasting fined TV Markiza and required it to broadcast a notice that it had violated the law. In November the Supreme Court upheld the decision of the Broadcasting Council to fine TV Markiza more than $23,000 (1 million SK) for broadcasting a speech by Prime Minister Dzurinda in the 48-hour period prior to the presidential election, when campaigning is prohibited (see Section 3).

On February 26, 26 journalists from the STV were fired by the new STV management due to their alleged biased reporting on behalf of former Prime Minister Meciar during his term in office. These journalists claim that they were fired due to their political beliefs and have pursued their case with human rights advocates. However, a number of these groups did not take up their case, because they do not believe that the journalists were fired for political reasons.

The Government did not use libel laws to suppress criticism of political or other leaders. In June former President Kovac won a libel suit against former editor in chief of the opposition Slovenska Republika, Jan Smolec, for publishing several false statements and slanderous articles that were aimed at damaging Kovac's personal and professional reputation. However, Slovenska Republika paid only approximately $7,500 (SK 300,000) of the $12,500 (SK 500,000) that it is required to pay in damages. The Government does not use tax laws or allocations of newsprint or advertising revenue to suppress criticism of political and other leaders or the expression of viewpoints not favored by the Government.

In June authorities charged Slovenska Republika editor in chief Jaroslav Reznik with violating the press law by publishing state secrets. In January Reznik had published an article about reorganization of the SIS, which included the names of the new SIS division directors. The crime is punishable by up to 3 years in prison or a ban on publishing. However, the case was closed after Reznik argued that the daily newspaper SME published the list before Slovenska Republika.

Three boards appointed by majority vote of Parliament supervise radio and television broadcasting. The Slovak Television Council and the Slovak Radio Council establish broadcasting policy for state-owned television and radio. The Slovak Council for Radio and Television Broadcasting issues broadcast licenses and administers advertising laws and some other regulations. The Radio and Television Council has made significant progress in fostering the spread of private broadcasting, for which it has issued 27 radio and 78 television and cable television licenses. TV Markiza, a private company with a signal covering two-thirds of the country, is the most watched station.

The Government does not censor books, films, or plays or limit access to the Internet.

Money has been reallocated to minority groups for the publication of minority language newspapers.

The law provides for academic freedom, and the Dzurinda Government took steps to reverse the restrictions on academic freedom that existed under the previous government. The Government no longer intervenes in the administration and funding of institutions of higher education, nor does it approve all professors' appointments. Many of the school administrators who were appointed based solely on political favoritism during the previous regime have been replaced. The practice of diverting money from the older, then pro-opposition, universities largely has been reversed. However, the use of bribery by some students to increase their chances for acceptance into some more prestigious faculties is widely believed to result in unequal access for economically disadvantaged students.

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Registration is not required, but under existing law, only registered churches and religious organizations have the explicit right to conduct public worship services and other activities, although no specific religions or practices are banned or discouraged by the authorities in practice. In order to register as a church, a religious organization must collect the signatures of 20,000 persons with long term residency in the country. The State provides financial benefits, including subsidies for clergy and office expenses, only to the 15 registered churches and religious organizations.

On February 1, police arrested two former high officials in the SIS for involvement in the 1995 effort to discredit the chairman of the Slovak Bishops Conference. Allegedly the SIS framed the Bishop for selling religious art for personal gain. If convicted, former Chief of the SIS Counterintelligence Unit Jaroslav Svechota and Deputy Director of the Surveillance Unit Robert Beno would face sentences of between 5 and 12 years in jail.

By law churches and religious organizations could apply for the return of their property that had been confiscated by the Communist government; the deadline for these claims was December 31, 1994. The property was returned by the State, by municipalities, by state legal entities, and under certain conditions even by private persons. The main obstacles to the resolution of outstanding restitution claims are the Government's lack of financial resources, due to its austerity program, and bureaucratic resistance on the part of those entities required to vacate restitutable

properties. While the Orthodox Church reported that six of the seven properties on which it had filed claims already had been returned, the Catholic Church and the Federation of Jewish Communities (FJC) reported lower rates of success.

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

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give a registration stamp to Romani citizens, which prevents them from receiving social benefits and housing. In March a Roma rights NGO filed a complaint with the European Court of Human Rights in Strasbourg against city councils in Nagov and Rokytovce for passing regulations in 1997 prohibiting Roma from moving to the town and threatening to expel them. In April the two cities repealed the regulations in response to government pressure (see Section 5).

The law includes provisions for granting refugee/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 cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. During the year, 1,320 persons applied for asylum. Of these cases and cases held over from previous years, 2 were granted citizenship, 27 were accepted as refugees, 176 claims were rejected, 1,034 persons terminated their cases, and the 349 cases were pending at year's end. Authorities granted 205 persons from Kosovo temporary protection during the year.

There were no reports of the forced expulsion of those having a valid claim to refugee status; however, some refugee claimants had difficulty in gaining access to initial processing.

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

Citizens have the constitutional right to change their government through the periodic free election of their national representatives. Citizens over the age of 18 are eligible to vote, and voting is by secret ballot. The Constitution reserves certain powers to the President as Chief of State (directly elected by the citizens), but executive power rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament). The country was without a president for over 1 year until June 12, when Rudolf Schuster was inaugurated as the country's first directly elected president. On January 14, Parliament amended the Constitution to allow for direct elections of the President, who previously had been elected by the Parliament. Until Schuster's inauguration, the majority of the President's powers were delegated to the Prime Minister, and the rest to the Speaker of Parliament, in accordance with the Constitution.

The two-round direct presidential elections were held in May. OSCE observers monitored the elections and found them free of fraud. Voter turnout was 75 percent.

Domestic and international observers and the media monitoring NGO Memo criticized Prime Minister Dzurinda for a speech he gave on national television after the moratorium on campaigning had begun, 2 days before the elections. During this speech he encouraged citizens to visit the polls and make the democratic choice, which was seen by many as a call for citizens to vote for Schuster. The Radio and Television Broadcasting Council fined TV Markiza for broadcasting the speech and required it to broadcast a notice that it had violated the law (see Section 2.a.).

On March 1, authorities charged former Minister of Interior Gustav Krajci with abuse of power and forgery of ballots in the 1997 referendum on direct presidential elections. As Deputy Chairman of the Central Election Commission, Krajci allegedly deleted from the referendum ballot the question on holding direct elections for president and marked the new ballot with the Commission's official stamp, without notifying the Commission of the change.

Women are underrepresented in government and politics. There are 2 female ministers, 1 of the 9 Constitutional Court judges appointed in November is a woman, and women hold 21 seats in the 150-member Parliament.

The large ethnic Hungarian minority, whose coalition gained 15 seats in Parliament in the September 1998 elections, is well represented in Parliament and the government. One ethnic Hungarian sits on the Constitutional Court. Roma are not represented in Parliament, but a Rom holds the newly created position of Government Commissioner for Roma Issues.

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

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. A 1996 law, requiring NGO's and foundations to reregister and have substantial financial resources in order to operate, eliminated some foundations, primarily dormant groups. However, no organization was denied registration or faced any other major problem in continuing to operate. The impact of another law setting limits on allowable administrative expenses has not created significant problems. Many NGO representatives believed that the previous Meciar government was hostile to NGO's. In contrast, the Dzurinda Government appointed many NGO representatives to government positions. However, some NGO leaders allege that the current Government at times is unresponsive to their requests.

In November 1998, the Government created the position of Deputy Prime Minister for Human and Minority Rights. The new Deputy Prime Minister, Pal Csaky, a member of the Party of the Hungarian Coalition, immediately opened a dialog with religious and minority groups. However, Minister Csaky has come under increasing criticism from the Romani community for spending the majority of his time dealing with issues concerning Hungarians. Many Roma leaders have called for his resignation in response to what they claim is his unwillingness and inability to address Roma problems.

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

The law prohibits discrimination and provides for the equality of all citizens. However, enforcement is uneven, with different minority groups reporting that their members often receive no government assistance with complaints about discrimination. Health care, education, retirement benefits, and other social services are provided regardless of race, sex, religion, disability, language, or social status.

Women.—Violence, particularly sexual violence against women, remains a serious and underreported problem. According to Ministry of Interior statistics, both domestic and public violence against women has been increasing: 1,000 cases of public violence were registered in 1997, compared with 276 in 1985. Domestic violence in 1997 included 2,656 cases, compared with 1,874 in 1995 when statistics first were kept. One NGO's regional research showed that 38 to 40 percent of women were victims of domestic violence. Police estimate that two-thirds of female rape victims fail to report their cases. Police treat spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses; sections in the Criminal Code specifically address rape, sexual abuse, and trafficking in women.

Legislation has not yet recognized and specified the term domestic violence. There is one consulting center for abused women in the country. There is no shelter for battered women, but several NGO's continue to advocate the idea strongly. However, there is a family shelter for victims of child and spousal abuse. In the view of some NGO's, the lack of relevant data on domestic violence is used by police authorities to downplay the extent of domestic violence.

As a result of amendments to the Criminal Code that took effect in 1994, prostitution is not illegal. However, the code prohibits activities related to prostitution, such as renting apartments for conducting prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women is a problem, and the Government views it with concern (see Section 6.f.).

Women are equal under the law. They have the same property, inheritance, and other legal rights as men. However, discrimination against women remained a problem. According to sociological studies, women receive approximately 85 percent of men's wages for similar work. However, the definition of similar work is not defined precisely. For example, women may have fewer years' experience on the job due to time spent out of the work force raising a family.

In December 1997, the Gender Center for Equal Treatment of Men and Women was founded. The Center is an independent NGO that cooperates with the U.N. Development Program and the Government. The Government's Coordinating Committee for Women's Affairs (including NGO's) drafted a national action plan for women that was adopted by the Government in September 1997. The plan presents a thorough analysis of the situation of women and proposes specific measures to resolve existing problems in the next decade, including reducing violence against women, protecting women's health, and reducing women's economic disadvantages. In contrast to the past, a number of organizations emerged in the past 10 years promoting women's issues and interests.

Children.—The Government demonstrates its commitment to children's rights and welfare through its system of public education and medical care. The Ministry of Labor oversees implementation of the Government's programs for children. The Constitution, the law on education, the Labor Code, and the system of assistance payments to families with children each provide in part for children's rights. Education is compulsory for 9 years, or until the age of 15.

Abuse of children remains a problem and is underreported. Experts from various state institutions dealing with child abuse claim that there are significant discrepancies between official figures on child violence and the actual situation. A recent survey of over 7,000 children conducted by an NGO offering resources to abused children indicated that 12 percent of children are victims of sexual abuse, while 20 percent are victims of physical abuse. According to available police statistics, child beating and sexual abuse are on the rise. NGO's expect this trend to continue and worsen as the economic situation declines. In 1997 there were 1,083 reported cases of crimes against children. Among the most frequent crimes committed against children are: Nonpayment of child support, sexual violence, and beatings.

Youth criminality has increased as well. Children under the age of 15 reportedly committed 226 crimes in 1990. In 1998 this number rose to 4,980. Juveniles (15 to 18 years of age) committed 5,191 crimes in 1998. According to the Ministry of Justice, 3,027 juveniles were convicted of crimes during 1998. Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code was amended on September 1 to include a provision outlawing child pornography.

The U.N. Children's Fund (UNICEF), several NGO's, and other institutions dealing with children's issues have called for amendments to the law on families, particularly the part on relations between parents and children. UNICEF also has recommended creation of an ombudsman's office that would defend children's rights. There are two regional emergency hot line numbers for abused children and one counseling help line.

Existing legislation appears to place emphasis on parents over children's rights. Current legislation allows parents to place their child in a state-run institution for abandoned children, and as long as contact is maintained once every 6 months, the child remains in the custody of the parents and cannot be adopted.

NGO leaders claim that existing legislation protects aggressors before victims. If a husband or wife is guilty of child and/or spousal abuse it is often the victim who is forced to leave the family home. Furthermore, if children who are victims of physical or sexual abuse seek assistance or treatment, their parents must be informed.

People with Disabilities.—The Constitution and implementing legislation provide for health protection and special working conditions for mentally and physically disabled persons, including special protection in employment relations and special assistance in training. A 1994 decree provides incentives to employers who create a "sheltered" workplace (i.e., a certain percentage of jobs set aside for the disabled). The law also prohibits discrimination against physically disabled individuals in employment, education, and the provision of other state services. Nevertheless, experts report discrimination in the accessibility of premises and access to education (especially higher education). Although not specifically required by law, another 1994 government decree mandates accessibility for new building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with the disabled said in 1997 that due to pressure from a number of NGO's, accessibility has been improving—particularly regarding new construction. NGO's complained that other legislation, including the provision of jobs for the disabled, while on the books, often is ignored.

Religious Minorities.—Despite an order by former Prime Minister Meciar to withdraw a controversial history book entitled the "History of Slovakia and the Slovaks" by Milan Durica, it remains available in schools. The book has been widely criticized by religious groups and the Slovak Academy of Sciences for gross inaccuracies and distortions, particularly in its portrayal of wartime Slovakia and the deportation of Jews and Roma.

Despite protests by the FJC, Slovak National Party members and the official Slovak cultural organization Matica Slovenska continued their efforts to revise the history of the pro-Nazi wartime Slovak state and to rehabilitate its leader Jozef Tiso. On March 14, a marginal nationalist party, Slovak National Unity (SNU), held a rally to commemorate the 60th anniversary of the wartime Slovak state. The rally was attended by approximately 300 persons, including a number of skinheads. The police kept the event under tight control to prevent any violence. Chairman of the SNU Stanislav Panis in his tribute to Tiso appealed to the Government to make March 14 an official national holiday. Anti-Fascist and anti-Tiso protesters concur-

rently held a counterdemonstration on another Bratislava square. The Young Democratic Left organizers criticized Tiso's regime, racism, and extremism.

On March 14, the Dzurinda Government released a statement in which it underlined that the current republic is not a successor of the wartime Slovak state, which was totalitarian and antidemocratic. The statement added that the Government considers the 1944 Slovak National Uprising against the wartime Tiso state one of the most significant events in putting the country back on the democratic track, and that the Government is committed to fight against any expression of intolerance, racism, nationalism, and xenophobia. However, the Slovak National Party also issued a statement in which it said that the anniversary of the wartime Slovak state marked "the most important step in the modern history of the Slovak nation."

The official Slovak cultural organization Matica Slovenska and the Confederation of Political Prisoners commemorated the 1939–1945 Slovak state at a meeting in which they emphasized the significance of March 14 as a symbol of Slovak statehood. Unlike previous years, prominent government officials did not attend.

On July 17, the FJC in Slovakia expressed its concern over the desecration of the monument to Holocaust victims located in the old city in Bratislava. Unknown culprits smashed and broke the marble base of the monument. There are no suspects in the case.

In May 1998, the Supreme Court upheld a prior verdict that the publisher of Zmena weekly had to publish an apology to the honorary chairman of the FJC for abusing his person and offending his religious feelings. The apology still was not published by year's end.

On November 3, Parliament passed legislation compensating Slovak citizens who were deported to German controlled concentration camps during World War II on the basis of their nationality, race, or religion. For each month of deportation, those eligible are to receive a cash sum of $75 (SK 3,000), plus a $.75 (SK 30) addition to their monthly pension. Direct heirs of deceased victims, who at the time of deportation were minors, are entitled to a lump sum of up to approximately $2,500 (SK 100,000). The legislation disqualifies the nearly 700 Slovak Jewish survivors from southern Slovakia, which was under Hungarian control during World War II, because they received compensation from the Hungarian Government.

National/Racial/Ethnic Minorities.—The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decisionmaking in matters affecting them. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities, but at greatly reduced levels. However, there is no comprehensive law against discrimination.

The largest minority is the ethnic Hungarian minority. It is concentrated primarily in southern Slovakia, with a population registered at 567,756 (150,000 of whom are thought to be Roma who speak Hungarian and choose to declare themselves as ethnic Hungarian). Most ethnic Hungarians and ethnic Slovaks living in mixed areas continued to coexist peacefully, but in recent years there have been occasional expressions of anti-Hungarian sentiments by Slovak nationalists. In 1998 the Government and the Government of Hungary signed an implementation agreement for their 1996 bilateral treaty, which called for the establishment of commissions to deal with the treatment of ethnic minorities, and the commissions were established on February 8.

On July 11, Parliament passed a minority language law providing for the use of minority languages in official activities, and President Schuster signed the law on July 20. According to the law, in places where a minority group constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. The law was deemed acceptable by the OSCE High Commissioner on National Minorities and the European Union. The law was passed by a vote of 70 to 18 in Parliament. However, all members of the Hungarian coalition voted against the law because they felt that it did not ensure that the provisions in the new law would take precedence over the existing state language law. Furthermore, the Hungarian minority felt that a more comprehensive law was necessary, and that this law did not protect the use of Hungarian in cultural and educational activities.

The Parliament created a special Parliamentary Advisory Committee for Roma Issues in February.

On March 5, at a rally held by the opposition Slovak National Party (SNS) and HZDS, SNS chairman and mayor of Zilina Jan Slota appealed to participants to resist Hungarian irredentism and chauvinistic policies and accused the Government of giving over 444,600 acres of land to the Hungarians. He also uttered inflammatory remarks about Roma, whom he accused of "stealing, robbing, and looting." There was a motion in Parliament to strip Slota of his parliamentary immunity in

order to prosecute him for making such public statements, but the motion did not pass.

During a November 9 ceremony at the grave of Hungarian national hero Gyorgy Lahner in the village of Necpaly, SNS deputy chairman Vitazoslav Moric and several other SNS members interrupted the proceedings by singing Slovak nationalist songs and shouted insults at participants. The Hungarian Ambassador to Slovakia was in attendance at the ceremony.

On January 13, Parliament amended three laws to permit bilingual recordkeeping at schools with Hungarian or other minority language instruction. As a result of these changes, the Ministry of Education was able to order some 55,000 bilingual report cards for elementary and high schools that were planned for distribution at midterm in the semester. The Ministry ordered report cards in both Hungarian/Slovak and Ukrainian/Slovak versions.

Roma constitute the second largest ethnic minority, estimated to number up to 300,000 citizens, although the Government officially reports 89,434 Roma. Police on occasion beat Roma, and in one case during the year allegedly shot a Rom during questioning at the police station (see Sections 1.a. and 1.c.). They suffer disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, and the administration of state services. Discrimination is most severe in the eastern part of the country, where unemployment is higher and the Romani population is larger.

Among Roma living in settlements in the east, the unemployment rate is nearly 100 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities are widely reported. According to press reports, unemployment offices identify Roma in their records by placing an "R" next to their name in the register. The General Director of the National Labor Bureau ordered an end to this practice after complaints from human rights organizations and the head of the Department for Human Rights and Minorities. Romani children disproportionately are placed in special schools for the mentally retarded in many cases due to their insufficient knowledge of the Slovak language. On August 18, the Government increased the budget for the office of Special Government Commissioner for Roma Issues Vincent Danihel. It also allocated about $375,000 (approximately 15 million SK) for special projects aimed at improving the situation of Roma, including "Headstart" programs for Roma in 10 schools; training for Roma and non-Roma mayors, local government officials, and police officers; publication of two Romani textbooks in Slovak, Hungarian, and the Romani language; public television programs to educate the public about the Romani minority; support for the Kosice Roma secondary art school; and support for regional Roma cultural centers, social advisory bodies, and health care programs. On September 28, the Cabinet approved a new program, "The Strategy of the Slovak Republic for the Solution of the Problems of the Roma Minority," for addressing issues of the Romani minority. While many Romani leaders and experts on Roma issues believe that the strategy is a positive step, they also criticized it for lacking specific proposals, being formulated with limited input from Roma, and not allocating sufficient resources.

During the year, approximately 4,680 Slovak citizens applied for asylum in West European countries. In July over 1,600 Roma applied for political asylum in Finland, followed by smaller migrations to Norway, Denmark, Switzerland, Belgium, the Netherlands, and Austria for the same purpose. This resulted in July in the Finnish and Norwegian Governments imposing 4-month suspensions of their visa waiver agreements with Slovakia, which elapsed by year's end. On November 30, Denmark also imposed a temporary entry visa requirement, to be lifted after the wave of Romani immigrants decreased. By year's end there were no official reports that any of these asylum cases had been adjudicated successfully. Many Romani families who return after applying for asylum in West European countries were not able to return to their apartments because they owed city authorities back rent. These families then were housed in temporary quarters provided through the social benefits system. The children of these families faced difficulties in enrolling in school because they did not have permanent addresses. Romani activists believe that as a result of these ongoing housing and education problems, these families were likely to leave the country again and apply for asylum in another country.

A Rom, Marion Bily, was elected mayor of Petrova in the November 1998 local elections. However, immediately after the elections non-Roma members of the city council initiated a petition and gathered enough signatures to call new elections. Bily was prevented from taking office, and the former mayor remained in office until new elections were held. These elections were held in late September, and Bily was not reelected.

President Schuster commented during a trip to Berlin on November 29 that Roma are "profiting from state help but are neither willing nor capable of assuming responsibility for the improvement of their own situation." Miroslav Lacko from the Office for the Protection of Romani Rights criticized the President's statements.

Skinhead violence against Roma was a serious problem, and human rights monitors reported that police remain reluctant to take action. Police also beat Roma and infringe on their rights to social benefits and housing (see Sections 1.c. and 2.d.). According to the Office of Legal Protection (KPO), there were more attacks on Roma during the year compared to 1998, and these cases received more media attention. However, the authorities tended to tolerate such attacks and accepted them as "normal." In almost no case did the police categorize the incidents as racially motivated. In fact, a Banska Bystrica court ruled in May that a crime that was committed by a skinhead against a Rom could not be racially motivated since they are of the same race.

On June 11, a Romani student waiting for a bus in Banska Bystrica was attacked by skinheads. After passersby did little to assist him, he was admitted to the hospital for medical treatment for his injuries. He filed a complaint against the perpetrators, and the judge of the district court classified the case as infliction of bodily harm rather than a racially motivated assault. The Rom appealed the decision to a regional court, which confirmed the district court's ruling. The Rom appealed the decision to the Supreme Court, but no decision was made in the case by year's end.

In June a group of Romani citizens including a 6-year-old child were visiting a restaurant in Kamenec pod Vtacnikom. A group of skinheads attacked the Roma with large sticks. The owner of the restaurant refused to allow them to telephone the police while the skinheads were still present but did allow them to use the telephone after they left. The police initiated an investigation into the case, but there was no further progress by year's end.

On July 12, a Romani citizen was attacked by three men with large sticks in Ziar nad Hronom and suffered a brain concussion, which required him to be hospitalized for 21 days. The three men then attempted unsuccessfully to break into a Roma apartment and broke all of the windows. The men were charged with rioting and creating physical harm, but the crime was not classified as racially motivated.

On May 7, 1998, 16-year-old Rom Branislav Baranyi was attacked and beaten by a non-Romani adult in Lucenec while attempting to intervene in a fight between his Romani friend and an intoxicated non-Romani adult. Branislav Baranyi suffered a concussion and lost three teeth as a result of the attack. On May 7, 1998, Baranyi's father filed a complaint against the alleged attacker, but a policeman reportedly refused to issue a confirmation of the complaint. He then filed a complaint with the prosecutor's office in Lucenec, which passed it on to the regional office. On August 28, 1998, that same regional office charged Branislav Baranyi with disorderly conduct and attacking the non-Roma who allegedly had initiated the fight. Before the first hearing, the lawyer representing Baranyi lodged a formal objection against the regional court in Banska Bystrica, based on the fact that one of the judges was a relative of one of the defendants. The objection was sustained and the case against Baranyi was transferred to a municipal court in Zvolen. No further information was available in the case at year's end.

In December a 21-year-old Rom was beaten by two skinheads in Car. Immediately following the incident several Roma retaliated and attacked the skinheads in a local pub instead of going to the police; they claimed that the police had been unresponsive to their complaints in the past.

In September in Kosice skinheads reportedly distributed racist materials to the mailboxes of Romani families, and racist materials also were distributed in Trebisov.

There was no progress during the year in a number of cases of violence against Roma in 1998.

In March a Romani human rights NGO filed a complaint in the European Court of Human Rights against regulations passed in 1997 preventing Roma from entering or residing in Nagov and Rokytovce, after attempts to overturn the decrees in Slovak courts failed. In April the two cities repealed the regulations in response to government pressure (see Section 2.d.). Starting in late 1998, authorities in Jelsava refused to grant residence permits to Roma who bought homes with the intention of moving there. However, in early 1999, the mayor of Jelsava issued the residence permits. A public opinion poll conducted in November found that only some 2 percent of those polled would accept Roma as neighbors, while some 87 percent said that they would dislike having Romani neighbors. A December poll indicated that some 60 percent of those polled would support measures that would segregate the Romani population.

On June 6, a British citizen of Indian origin was assaulted by skinheads in Bratislava. He was hospitalized with serious injuries. The results of the investigation are pending.

On July 21, two British citizens of Asian origin were assaulted by skinheads at a Bratislava pub. They escaped without serious injuries.

On July 26, one Chinese diplomat and another Chinese citizen were attacked by a group of eight skinheads in Bratislava. One of the victims required hospitalization for a brain concussion and head and chest injuries. On August 20, authorities charged three skinheads in the attack, one with assault and a racially motivated crime, the other two with hooliganism. The three face prison sentences ranging from 6 months to 3 years. Reportedly one of the skinheads is the son of a high-ranking police officer in Bratislava.

On October 10, four assailants attacked a 39-year-old Vietnamese man at the train station in Prievidza. The victim sought medical treatment for injuries to his face and head. Police were investigating the incident, although there were no witnesses.

During the most recent census (1991), 14,000 citizens registered themselves as Ukrainians, and 17,000 registered themselves as Ruthenians. However, the statistical office does not differentiate between Ruthenian and Ukrainian and records 32,747 persons in the Ruthenian/Ukrainian ethnic group. The current Government also considers the Ruthenian and Ukrainian minorities as a single group. However, about 50,000 persons listed Ruthenian as their native language in the 1991 census. Ruthenians disagree that they are Ukrainians, and that their language is only a Ukrainian dialect. In September 1998, Slovak State Radio started broadcasting a long-promised daily regional program for the Ruthenian minority in Presov. However, after the 1998 parliamentary elections this broadcasting was discontinued, and the broadcast is now in Ukrainian. However, there is a television broadcast in Ruthenian on STV, which is aired once every 2 months. In addition, the Ruthenian minority receives state funding to publish a biweekly newspaper in Ukrainian. A representative of the Ruthenian Revival Organization stated that Ruthenian language instruction is provided in two schools in the northeast. There is an Institute for Minority Languages at Presov University in the northeast. Two instructors at the Institute teach Ruthenian culture and language.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right to form and join unions, except in the armed forces. Approximately 45 percent of the work force is unionized. Most unions are independent of the Government and political parties but lobby those entities in order to gain support for union positions on key labor issues.

The Constitution provides for the right to strike, and there are no restrictions on this right. The National Statistical Office officially reported no strikes during the year.

However, an increasing number of strike alerts and unofficial strikes were reported during the year. Many of these actions anticipated layoffs or protested the nonpayment or partial payment of salaries due to restructuring of the company or insolvency.

On September 25, the Confederation of Trade Unions (KOZ) sponsored an antigovernment demonstration that was attended by approximately 40,000 labor sympathizers to protest the Government's failure to meet its 20 demands.

On November 9, the KOZ blocked major intersections in five cities to protest the Government's failure to increase wages and reduce taxes and unemployment.

On December 8, the KOZ held a protest in response to the Government's draft budget for 2000.

Local unions also held strike alerts. On November 10, workers held a 15-minute warning strike at PPS Detva Holding to protest a planned layoff of 500 employees. On November 18, almost 60 percent of schools joined a 1-hour strike alert sponsored by the Education Union to protest the Government's failure to fulfill its promises in education policy.

There were no instances of retribution against strikers or labor leaders. However, on October 22, unknown assailants attacked textile union vice president Otto Kremer. Labor leaders alleged that the attack was retribution for his assisting workers at the Pratex Cadca factory in the northwest region of the country in recovering unpaid wages. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes. However, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining; if it is announced in advance; and if a list of strike participants is provided. If the strike is not considered to be official, strikers are not ensured protection.

Unions are free to form or join federations or confederations and to affiliate with and participate in international bodies.

b. *The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining. Following the September 1998 parliamentary election the KOZ decided to reenter tripartite negotiations with employers and the Government. However, unions have expressed dissatisfaction with the Government, claiming that it has not included them in important decisionmaking and does not give adequate attention to their demands. The KOZ held a public demonstration on September 25 and threatened a general strike if the Government continued to be unresponsive to its demands.

The law on citizens' associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

The 1996 Customs Act regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the Labor Code; to date there have been no reports of special involvement by the trade unions. No special legislation governs labor relations in free trade zones.

c. *Prohibition of Forced or Compulsory Labor.*—Both the Constitution and the employment act prohibit forced or compulsory labor, including that performed by children, and generally there were no reports of violations; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.). The Ministry of Labor, Social Affairs, and Family, as well as district and local labor offices, have responsibility for enforcement.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law sets the minimum employment age at 15 years. Children must remain in school for 9 years, or until the age of 15, although it is not enforced strictly, particularly for the Romani minority. Workers under the age of 16 may not work more than 33 hours per week; may not be compensated on a piecework basis; may not work overtime or night shifts; and may not work underground or in specified conditions deemed dangerous to their health or safety. Special conditions and protections, though somewhat less stringent, apply to young workers up to the age of 18. The Ministry of Labor enforces this legislation. There were no reports of violations. The law and the Constitution prohibit forced and bonded child labor, and the Government generally enforces these prohibitions effectively; however, trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—The minimum wage in 1999 was $86 (SK 3,600) per month. Even when combined with special allowances paid to families with children it did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage. No violations were reported. The standard workweek mandated by the Labor Code is 42.5 hours, although collective bargaining agreements have achieved reductions in some cases (most often to 40 hours). For state enterprises the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of annual leave. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitor observance of these laws, and the authorities effectively enforce them.

The Labor Code establishes health and safety standards that the Office of Labor Safety effectively enforces. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

f. *Trafficking in Persons.*—The law specifically prohibits trafficking in persons; however, there were instances of trafficking in women and girls. The country is a source country, a transit country, and a destination country for such victims of trafficking. According to the Ministry of Interior, there have been 11 documented cases of Slovak women being forced into prostitution in other countries or foreign women being forced into prostitution in Slovakia. The problem receives very little public attention, and therefore it is likely that there are more cases than those that are documented.

A new report issued by the Ministry of Interior's report on trafficking states that the country is only a transit country for persons being trafficked mainly to Austria,

the Czech Republic, and Germany for the purpose of forced prostitution. There were four prosecuted cases of forced prostitution in 1998 and nine cases in 1999. There were also reports of Slovak women being trafficked to Western Europe with promises of work as models, waitresses, and au pairs. Their passports were allegedly confiscated, and they were allegedly forced to work in adult entertainment clubs or as prostitutes. According to the report, 3 cases of trafficking were prosecuted in 1998 and 11 in 1999.

Some women from Russia and Ukraine reportedly are trafficked through the country on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they are forced to work as prostitutes. According to a report on trafficking in women issued by the Swedish National Criminal Investigation Department in March, women from Slovakia work in Sweden as prostitutes. In four 1998 court cases involving women trafficked to Sweden, some women came from Slovakia, among other countries. Although previously Slovakia was primarily a source country, increasingly women from less prosperous eastern countries (including the Russian Federation, Belarus, Ukraine, Romania, and Bulgaria) find themselves trafficked through and to Slovakia.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Since Slovenia's independence with the breakup of Yugoslavia in 1991, free, fair, and open elections have characterized the political system. In 1997 elections were held to elect both a president and representatives to Parliament's upper house. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior. By law the armed forces do not exercise civil police functions.

The country has made steady progress toward developing a market economy. As of 1998, "social property" no longer exists, although sales of the remaining large state holdings have not occurred as rapidly as planned. Trade has been diversified toward the West and the growing markets of Central and Eastern Europe. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. Labor force surveys put unemployment at 7.5 percent, but registration for unemployment assistance was 14.5 percent. Inflation was 7.9 percent in 1998, while real gross national product grew 3.9 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. An ombudsman deals with human rights problems, including citizenship cases. Some 5,000 to 10,000 non-Slovene (former Yugoslav) residents had been without legal status since independence in 1991, some due to the Government's slow processing of their original applications, and others because they had never applied. However, in August the Government passed legislation that offered legal permanent resident status to such persons. These minorities reported some discrimination.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and inhuman treatment as well as "humiliating punishment or treatment," and there were no reports of such treatment.

Prison conditions meet minimum international standards and were not the subject of complaint by any human rights organization.

The Government permits prison visits by human rights monitors and the media.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government respects these provisions in practice.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a

maximum of 2 years. Some 26 percent of the average prison population of 1,100 inmates are in pretrial detention at any given time. The law also provides safeguards against self-incrimination. These rights and limitations are respected in practice.

The Government does not use forced exile.

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

The judicial system comprises district courts, regional courts, a court of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation. Judges, elected by the State Assembly (Parliament) on the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides in great detail for the right to a fair trial, including provisions for: Equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, without cost if need be. These rights are respected in practice, although the judicial system is so burdened that justice is frequently protracted. In some instances, criminal cases have reportedly taken 2 to 5 years to come to trial. The problem is not widespread, and defendants are released on bail except in the most serious criminal cases.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the protection of privacy, "personal data rights," and the inviolability of the home, mail, and other means of communication. These rights and protections are respected in practice, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression. Lingering self-censorship and some indirect political pressures continue to influence the media.

The press is now a vigorous institution emerging from its more restricted past. The major media do not represent a broad range of political or ethnic interests, although there is an Italian-language television channel as well as a newspaper available to the ethnic Italian minority who live on the Adriatic Coast. Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians. Bosnian refugees and the Albanian community have newsletters in their own languages.

Four major daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although the national broadcaster, RTV Slovenia, enjoys government subsidies, as do cultural publications and book publishing. Seven local television channels are available, four of which are independent private stations. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publications are available. Foreign newspapers, magazines, and journals are widely available.

In theory and practice, the media enjoy full journalistic freedom. However, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and indirect political pressures.

The election law requires the media to offer free space and time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education. There are two universities; each has numerous affiliated research and study institutions. Academic freedom is respected, and centers of higher education are lively and intellectually stimulating.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. No person can be compelled to admit his religious or other beliefs. There are few formal requirements for recognition as a re-

ligion by the Government. Religious groups, including foreign missionaries, must register with the Ministry of the Interior. Registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status. Foreign missionaries (including a Mormon mission) and religious groups (including Hare Krishna, Scientology, and Unification organizations) operate without hindrance.

The appropriate role for religious instruction in the schools continues to be an issue of debate. The Constitution states that parents are entitled "to give their children a moral and religious upbringing. . ." Before 1945 religion was much more prominent in the schools, but now only those schools supported by religious bodies teach religion.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. However, a subsequent change of government in 1992 led to a virtual standstill in denationalization proceedings for several years. As of June, only one-third of all cases had been adjudicated at the initial administrative level, although these represent about half of all nationalized and confiscated property.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave the country freely, and to return. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime. In practice citizens travel widely and often.

The Constitution provides for a right of political asylum for foreigners and stateless persons "who are persecuted for their stand on human rights and fundamental freedoms." The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organization in assisting refugees. The Government provides first asylum (or "temporary protection") to refugees but on a very limited basis in recent years. There were no reports that the Government forcibly returned any refugees against their will to a country where they feared persecution.

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

The Constitution provides that elections should be held at least every 4 years. Citizens have the right to change their government, voting by secret ballot on the basis of universal suffrage. Slovenia has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

No restrictions hinder the participation of women or minorities in politics. However, women are underrepresented in politics. Of the 90 Members of Parliament, 8 are women, while 1 of 19 cabinet ministers is a woman. The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution stipulates that the Italian and Hungarian ethnic communities each are entitled to at least one representative in the Parliament, regardless of their population.

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

Independent human rights monitoring groups promote respect for human rights and freedoms and freely investigate complaints about violations. The Government places no obstacles in the way of investigations by international or local human rights groups.

An independent ombudsman appointed by Parliament deals with human rights problems, including so-called "economic rights." The incumbent is regarded as fair, but he lacks the power to enforce his opinions. In addition Parliament has been criticized as a major factor in the slow progress of property restitution ("denationalization"), casting doubt on the ombudsman's ability to alter the pace of the process. The ombudsman criticized the Government for the slow pace of legal and administrative proceedings, in criminal and civil, as well as in denationalization cases.

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

The Constitution provides for equality before the law, and the Government observed this provision in practice. According to the 1991 census, the population is approximately 2 million, of whom 1.7 million are ethnic Slovenes and the remainder are persons of 23 other nationalities. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians.

The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges. It also provides for special status and rights for the small Romani community, which are observed in practice.

Women.—The awareness of spousal abuse and violence against women is on the rise. In 1998 83 men were charged with rape. Although 1,559 persons were charged with inflicting some degree of bodily harm in 1998, no breakdown of victims by sex is available. In 1998 10,021 misdemeanor charges of "endangering safety in a private place" were filed. Although no breakdown of victims is available by sex for 1998, records from previous years indicate that at least 40 percent, or approximately 4,000 cases, involved domestic disputes where women were threatened. Three shelters are available for battered women, which are partially funded by the State. The shelters operate at capacity (about 40 beds combined) and turn away numerous women every year. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed.

Equal rights for women are a matter of state policy. There is no official discrimination against women or minorities in housing, jobs, education, or other walks of life. Under the Constitution, marriage is based on the equality of both spouses. The Constitution stipulates that the state shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care because of a generally conservative social tradition. However, women frequently are encountered in business and in government executive departments.

Equal pay for equal work for men and women is the norm. Although both sexes have the same average period of unemployment, women still are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

Children.—The Government demonstrates its commitment to children's welfare through its system of public education and health care. Free public education is provided through age 15.

The Constitution stipulates that children "enjoy human rights and fundamental freedoms consistent with their age and level of maturity." Moreover, special protection from exploitation and maltreatment is provided by statute. Social workers visit schools regularly to monitor for any incidents of mistreatment or abuse of children. There is no societal pattern of abuse of children.

People with Disabilities.—The disabled are not discriminated against, and the Government has taken steps to facilitate access to social and economic opportunities. In practice modifications of public and private structures to ease access by the handicapped continue slowly but steadily.

National/Racial/Ethnic Minorities.—Minorities make up about 12 percent of the population; most are nationals of the former Yugoslavia. Ethnic minorities face a complex reality. "Autochthonous" groups in general are provided special rights and protection by the Constitution. Three of these groups—Italians, Hungarians, and Roma—are singled out in the Constitution for special treatment, and the first two are assigned representation in Parliament. Other "autochthonous" groups include some 500 ethnic Germans and under 100 Jews.

However, "new minorities"—ethnic Serbs, Croats, Kosovar Albanians, and non-autochthonous Roma from Kosovo and Albania—are unprotected by special provisions of the Constitution and face some societal and governmental discrimination. Many of these 5,000 to 10,000 non-Slovene citizens of the former Yugoslavia migrated internally to Slovenia during the decades leading up to independence because of the economic opportunities. Most opted not to take up Slovene citizenship during a 6-month window in 1991–92 and have been living in the country as essentially stateless persons since then, while others were without residence status because of slow processing of their applications by the Government. In August Parliament passed legislation that addressed the problem of these persons by offering them permanent resident status; a 6-week window for applications closed at year's end.

The Roma are best characterized as a set of groups rather than as one community. Some have lived in the country for hundreds of years, while others are very recent migrants. A lack of cohesion prevented the Romani communities from taking

advantage of their special constitutional status, although the Government also failed to fully implement the special legislation on Romani status called for in Article 65 of the Constitution.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution stipulates that trade unions, their operation, and their membership shall be free and provides for the right to strike. Virtually all workers, except police and military personnel, are eligible to form and join labor organizations. In 1993 the Parliament for the first time passed legislation restricting strikes by some public sector employees. However, after government budget-cutting, some public sector professionals (judges, doctors, and educators) became increasingly active on the labor front.

Labor has two main groupings, with constituent branches throughout the country. A third, much smaller, regional labor union operates on the Adriatic coast. Unions are formally and actually independent of the Government and political parties, but individual union members hold positions in the legislature. The Constitution provides that the state shall be responsible for "the creation of opportunities for employment and for work."

There are no restrictions on unions joining or forming federations and affiliating with like-minded international union organizations.

b. *The Right to Organize and Bargain Collectively.*—The economy is in transition from the former Communist system, which included some private ownership of enterprises along with state-controlled and "socially owned" enterprises. In the transition to a fully market-based economy, the collective bargaining process is undergoing change. Formerly, the old Yugoslav Government had a dominant role in setting the minimum wage and conditions of work. The Government still exercises this role to an extent, although in the private sector wages and working conditions are agreed annually in a general collective agreement between the "social partners." The labor unions and the Chamber of Economy. There were no reports of antiunion discrimination.

Export processing zones exist in Koper, Maribor, and Nova Gorica. Worker rights in these zones are the same as in the rest of the country.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor, including that performed by children, and there were no reports of forced labor by adults or children.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years. Children must remain in school until through the age of 15. During the harvest or for other farm chores, younger children do work. In general, urban employers respect the age limits. The law prohibits forced and bonded labor by children, and there were no reports of its use (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The minimum wage is $325 (59,150 tolars) per month, which provides a decent standard of living for the average worker and family. The workweek is 40 hours. In general businesses provide acceptable conditions of work for their employees. Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from unsafe conditions without jeopardizing their continued employment.

f. *Trafficking in persons.*—The law on "enslavement" prescribes criminal prosecution for a person who "brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party" or brokers such a deal. Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for pimping or pandering "by force, threat or deception," the penalty for which ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment.

There were no prosecutions for trafficking in persons in 1998; in 1997, three persons were successfully prosecuted.

SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. Jose Maria Aznar of the Popular Party (PP) became Prime Minister, with the title President of the Government, when his party won national elections in 1996. New elections are scheduled for March 12, 2000. The Government respects the constitutional provisions for an independent judiciary in practice.

There are three levels of security forces. The National Police are responsible for nationwide investigations, security in urban areas, traffic control, and hostage rescue. The Civil Guard polices rural areas and controls borders and highways. Autonomous police forces have taken over many of the duties of the Civil Guard in Galicia, Catalunya, and the Basque country. The security forces are under the effective control of the Government. The security forces also maintain anticorruption units. Some members of the security forces committed human rights abuses.

The economy is market based, with primary reliance on private enterprise. Although a number of public sector enterprises remain in key areas, the Government's policy has been to privatize as many of them as possible. The economy grew during the third quarter at a 3.7 percent annual rate. Inflation at year's end was 2.9 percent, due primarily to higher energy costs. Unemployment in the third quarter was 15.45 percent, continuing its downward trend.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including cases of police brutality, lengthy pretrial detention, and delays in trials. The Government investigates allegations of human rights abuses by the security forces and punishes those found guilty of such abuses; however, investigations are often lengthy and punishments light. Violence and discrimination against women were problems. Incidents of racism and rightwing violence against minorities and discrimination against Roma were also problems. There were instances of forced labor and child labor. Trafficking in women for the purpose of forced prostitution was a problem.

Throughout the year there were ongoing judicial proceedings related to the involvement of former government officials in the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL), which killed 27 persons between 1983 and 1987, including 10 persons with no connection to the Basque terrorist group, ETA, the ostensible target of the GAL.

ETA announced in late November that it would end its self-declared 14-month-old cease-fire and warned that armed attacks could resume quickly. Low level street violence, threats, and intimidation continued in the Basque country. No one died during the year as a result of these acts. Ongoing arrests by Spanish and French authorities of ETA terrorists did not precipitate a return to the type of deadly violence and kidnapings characteristic of ETA's actions before the cease-fire.

In June elections, several ETA terrorists were elected to provincial parliaments in the Basque country and the regional parliament in neighboring Navarra, all on the ticket of Euskal Herritarrok (EH), the legal political wing of ETA, also known as Herri Batasuna (HB).

RESPECT FOR HUMAN RIGHTS

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

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

No developments were reported in the following cases from past years: The March 1997 case of a Moroccan boy who allegedly was shot in the back by a Civil Guard officer; the appeal of police officer Antonio Barrioneuvo's conviction in the 1996 killing of Portuguese citizen Manual Abreu Silva; the deaths of eight prison inmates under suspicious circumstances in 1996–97 (see Section 1.c.); and the mid-1980's cases of alleged killings by security forces of Roman Onaederra, Mikel Zabaltza, Robert Caplanne, and a tramp and two drug addicts

On March 10, Judge Jose Luis Gonzalez Armengol sentenced Jose Luis Morcillo Pinillos to prison for his role in the November 20, 1984, GAL killing of Santiago Brouard, a member of HB. On March 12, three others were ordered jailed for allegedly collaborating in the murder: Julian Sancristobal (former State Security Director), Jose Amedo (former Police Commissioner), and Rafael Masa (former Lieutenant Colonel in the Civil Guard). They were accused of having planned and financed the operation with state funds. Masa had just been allowed to return to the Civil Guard after he had been expelled for 4 years for his role in the Linaza torture case, which was opened in 1981. Sancristobal and Masa were released on July 23 after each posted bond in the amount of $66,670 (10 million pesetas).

The appeals remain pending of former Interior Minister Jose Barrionuevo and former Secretary of State Security Rafael Vera for their convictions in connection with the kidnaping of French citizen Segundo Marey in 1983.

Amedo also was set free in July, due to his decision to cooperate with the investigations into the Marey and Brouard GAL cases. In a July confession, Amedo reportedly described a December 1983 meeting at which the decision to kill Brouard was made. The meeting allegedly took place near the site where Marey was being held and was attended by several police and antiterrorism officials, including

Sancristobal, Mohand Talbi (a GAL mercenary), Francisco Alvarez (a former commander of an antiterrorist unit), and Miguel Planchuelo (former Chief of Police of Bilbao). Amedo also allegedly said that Sancristobal and Talbi kidnaped Marey. On July 28, Judge Armengol issued a preliminary indictment charging that Sancristobal paid Pinillos $33,333 (5 million pesetas) from Ministry of Interior funds to carry out Brouard's killing.

On August 2, Judge Baltazar Garzon set September hearing dates for Amedo, Alvarez, and Sancristobal, as well as former Chief of Operations in the CESID (national intelligence agency) Juan Alberto Perote and former policeman Michel Dominguez. They have to enter pleas with regard to the 1985 killings in France of four Basques in the Monbar case. On September 25, 1985, Lucien Mattei and Pierre Frugoli (French mercenaries hired by the GAL), shot and killed Agustin Irazustabarrena, Ignacio Asteasuinzarra, Sabino Etxaide, and Jose Maria Etxaniz in a bar in Bayona, France, which was frequented by Basque nationals. Frugoli and Mattei were convicted and sentenced in France for their participation in the crime.

On March 17, Miguel Brescia Guillen went on trial, accused of driving the truck in the GAL case in which Christian Matxicotte (a French pastor) and Catherine Brion were killed on February 17, 1986, in the southern French town of Bidarraya. The prosecutor is requesting that the National High Court sentence Guillen to 66 years' imprisonment for his role in this crime. On September 13, 1994, Guillen allegedly collected $200,000 (30 million pesetas)—from whom is not clear—to keep quiet and not implicate others. Witnesses at his trial testified that Guillen spoke of his involvement in this case and one other to them on numerous occasions.

Several organizations are dedicated to the needs and concerns of victims of terrorism, among them the Association of Terrorism Victims (AVT). This organization was founded in 1981 and currently serves 1,300 families by providing legal and psychological counseling, publishing a monthly magazine, and carrying out various other activities. Government funding consists of $40,000 (6 million pesetas), provided annually by the Ministry of Defense.

A bill to compensate ETA victims and their families was passed into law on September 16. Entitled "Law of Solidarity with the Victims of Terrorism," the law recognizes the suffering and sacrifice of ETA's victims as well as of those of the GAL. The total amount of compensation is expected to be approximately $333 million (50 billion pesetas), to be paid by the State. The amount of compensation is to be determined by the gravity of the injury suffered. Relatives of a deceased victim are to receive around $153,333 (23 million pesetas). Victims who became invalids are to receive $433,333 (65 million pesetas).

The Spanish extradition request for former Chilean dictator Augusto Pinochet remained under judicial review in the United Kingdom. Judge Baltazar Garzon sought to try Pinochet for his involvement in the disappearance of 600 Spaniards under Chilean and Argentinian dictatorships in the 1970's and 1980's. In November Garzon issued an international arrest warrant for former Argentine junta Generals Leopoldo Galtieri and Jorge Videla, Admiral Emilio Massera, and 95 lower ranking military officers. The indictments are in connection with human rights abuses that took place during Argentina's 1976–83 "dirty war," when over 15,000 persons were killed or disappeared.

On December 2, indigenous Guatemalan leader Rigoberta Menchu filed a criminal suit in a Spanish court against eight former military and civilian leaders for human rights abuses committed during the internal conflict. The suit alleges that the defendants, including retired General Efrain Rios Montt, former President and retired General Fernando Lucas Garcia, former de facto President Oscar Humberto Mejia Victores, and others were responsible for "crimes against humanity," including genocide, torture, and terrorism. The suit cites three cases: The 1980 assault on the Spanish Embassy in which over 30 persons died, the killing of Menchu's mother and her two siblings, and the killing of 4 Spanish priests over the course of the conflict. On December 18, Spanish Judge Guillermo Ruiz Polanco accepted Menchu's suit. Attorneys for Mejia Victores later filed criminal charges in Guatemala against Menchu, accusing her of treason, violating the Constitution, and failing to report a crime (for filing charges in Spanish court.)

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

On March 11, a local policeman in Olot (Catalunya) was arrested after confessing to the November 1992 kidnaping of pharmacist Maria Angels Feliu. Feliu was held for ransom for 492 days. Civil Guard investigators believe that corrupt police, one of whom died in 1997, may have been involved. The Civil Guard cited its investigation as proof that the police were not above the law. A total of three persons have been jailed in connection with the case, and the Civil Guard believes that as many as nine persons may have been involved.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such acts; however, suspects charged with terrorism routinely assert that they have been abused during detention, and other detainees sometimes make similar charges. The Government investigates allegations of torture and also permits outside parties to investigate them. In April Amnesty International wrote to the Minister of the Interior to reiterate its concerns about allegations of torture and mistreatment during incommunicado detention.

On March 4, the newspaper El Pais reported that a prosecutor in Barcelona had asked for a year in prison and 2½ years' suspension for two policemen after they undressed a suspect in the police station and submitted him to humiliating treatment on April 29, 1998. The police claimed that it was a legitimate body cavity search. No developments were reported in the November 1998 case of two policemen in Melilla who were charged with raping a Moroccan girl.

No progress was apparent in the complaint filed against the police in the beating of Ivan Gonzalez in September 1997. The National Court of Vizcaya found the three policemen charged with raping Brazilian tourist Rita Margarete in August 1995 not guilty, and this decision was confirmed on appeal by the Supreme Court. On June 22, Interior Minister Jaime Mayor Oreja assured the Congress of Deputies that the police were investigating all possibilities. He admitted that there was a possibility that the police were covering up facts in the case.

No developments were reported in the trial that began in November 1998 of six members of the Civil Guard who were accused of torturing three suspected ETA members in 1992.

There were several developments in the case of Kepa Urra, a member of ETA who accused three members of the Civil Guard of torture in 1992. The three were convicted by the National High Court of Vizcaya in November 1997. On appeal to the Supreme Court, their prison sentences were reduced from 4 years to 1 year. However, the Court did not alter the 6-year suspension from the Civil Guard to which the lower court also had sentenced them. A suspension of this length usually means automatic expulsion from the Civil Guard. One of the convicted Civil Guard members, Manuel Sanchez Corbi, meanwhile was selected for promotion, despite the fact that one of the conditions for promotion is that a candidate not have a conviction for a deliberate criminal act. On July 23, the Council of Ministers partially pardoned all three Civil Guard members. Corbi, Jose Maria de las Cuevas, and Antonio Lozano Garcia are to be allowed to continue working for the Civil Guard. The Council reduced their suspensions from 6 years to 1 month and a day. On August 3, the pardon was published in the State's Official Bulletin, and the Ministry of the Interior confirmed that once Corbi's suspension expires, he is to be promoted to the rank of captain.

On February 20, seven police officers in Madrid were found guilty of illegally detaining, humiliating, and torturing a family in 1990. The two principal offenders were sentenced to 6 months in jail and were suspended from the police force for 7 years. The other officers were given lesser jail sentences, but all were suspended for 6 to 7 years, including the officer who ordered the family released in an attempt to cover up the crimes. The officers were also ordered to pay the victims thousands of dollars in compensation.

In one of the most notorious GAL cases, on July 29 the national High Court denied the appeals of Enrique Dorado and Felipe Bayo, who were accused of torturing and kidnaping Jose Antonio Lasa and Jose Ignacio Zabala. Both remain in custody, pending their appeal to the Supreme Court.

The Basque terrorist group ETA announced on November 28 that its self-imposed cease-fire, declared in September 1998, effectively would be ended as of December 3. At least two subsequent attempts by ETA to carry out attacks were frustrated. The first occurred shortly before Christmas when the authorities discovered two vans, each containing approximately 2,200 pounds of explosives, with timers attached. The intended target or targets of the van bombs was unknown. The police and the press continued to report ETA youth criminal activity during the year, including the use of Molotov cocktails to set fire to homes, businesses, cars, and political party offices in a continuing campaign of intimidation in the Basque country. Between ETA's September, 1998, cease-fire declaration and the end of July, 220 violent actions were undertaken by organizations believed to be associated with ETA in the Basque and Navarra regions. Official records also indicate that during the same timeframe, 119 threats were made against public officials, judges, policemen, prosecutors, and businessmen. No deaths were reported from these actions or threats. In March the widow of a PP councilman previously killed by ETA received a package bomb in the mail. She thought that the package was suspicious and therefore sought help from the authorities, who disarmed the device.

In April a bomb damaged the basilica in the Valley of the Fallen tomb where General Francisco Franco is buried. The police said that a small Marxist group called October First Anti-Fascist Resistance Group claimed responsibility for the bast.

Prison conditions generally meet minimum international standards.

In March 1998 the General Council of Judicial Power announced the opening of an investigation into 31 cases of alleged abuse and negligence by prison officials in 1996 and 1997. The investigating committee promised to scrutinize in particular eight inmate deaths ostensibly caused by mismanagement and negligence, including the failure by prison officials to give prompt medical attention to a prisoner who suffered from chronic heart problems and the suicide of an inmate whose treatment for drug addiction was interrupted by his transfer to a prison lacking drug counseling facilities. Another death under investigation is that of a San Sebastian inmate whose official cause of death is listed as a barbiturate overdose despite the presence of lesions on the back, neck, and thighs of his body and the refusal of the doctors who conducted the autopsy to certify a drug overdose as the cause of death.

Basque activists continued to demand that all imprisoned ETA terrorists be moved to prisons in the Basque region or the adjacent autonomous region, Navarra. This demand was supported by two nonbinding resolutions in the Parliament, one in late 1998 and the other early in the year. On September 7, the Government announced that, despite ETA's indefinite cancellation of its talks with the Government, the Government would move 105 ETA prisoners to prisons in or nearer the Basque country. Since the announcement by ETA of its unilateral truce on September 16, 1998, 180 Basque prisoners, including ETA terrorists and members of HB, ETA's political party, were released from jails. Another 135 have been moved to prisons nearer to their homes. A total of 85 ETA prisoners currently are held in prisons in the Basque country. The total number of ETA prisoners has declined from 535 to 405, although 50 new prisoners were added since the cease-fire.

The Government permits prison visits by human rights monitors, including the Council of Europe's Committee for the Prevention of Torture.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the authorities respect these provisions in practice.

A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the Penal Code permits holding a suspect an additional 2 days without a hearing and the possibility of incommunicado detention, provided that a judge authorizes such action. Some powerful voices are calling for these provisions of the Penal Code to be modified. The press reported in July that in a speech Judge Baltazar Garzon, best known for his involvement in the case of General Pinochet, called for the reform of detention procedures, especially with regard to suspected terrorists. Garzon believes that the provisions of the code allowing suspected terrorists to be detained for 72 hours incommunicado and an additional 48 hours prior to appearing before a judge are too harsh.

At times pretrial detention can be lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody is usually less than 1 year. However, criticism is heard in legal circles that some judges use "preventive custody" as a form of anticipatory sentencing.

The law on aliens permits detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting.

The Constitution prohibits exile, and the Government respects this provision in practice.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and the authorities respect this right in practice. There is a nine-person jury system.

Defendants have the right to be represented by an attorney (at state expense for the indigent). They are released on bail unless the court believes that they may flee or be a threat to public safety. Following conviction, defendants may appeal to the next highest court.

The law calls for an expeditious judicial hearing following arrest. However, the AVT and others have criticized delays in the judicial process, which can result at times in lengthy pretrial detention (see Section 1.d.), and delays in trials. In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial.

Human rights groups such as the Association Against Torture and members of the press complain that many persons convicted of offenses constituting violations of human rights avoided sentencing by prolonging the appeals process and that sentences for persons convicted of such offenses are unduly light. According to Amnesty International, custodial sentences of less than 1 year and a day customarily are not served in such cases.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

In 1998 national intelligence agency (CESID) wiretaps were discovered at the Vitoria headquarters of the pro-ETA political party HB. The scandal forced the provincial CESID directors in Vizcaya, Alava, and Pamplona to resign and compelled the Minister of Defense to develop a plan to establish greater judicial oversight of CESID operations.

On March 9, seven members of CESID were put on trial for illegally tapping mobile phones of public officials and private citizens between 1984 and 1990. The two principal defendents were former Director of CESID, Emilio Alonso Manglano, and former Chief of Operations Colonel Juan Alberto Perote. Four of the five other defendents are employed still by CESID. Government ministers, congressmen, businessmen, journalists, and the King were among the victims of these wiretaps. Perote blamed Jose Manuel Navarro Benavente, former Chief of the electronic surveillance section of CESID, who died in a traffic accident 2 months before the trial. The trial ended in May with the conviction of both Manglano and Perote. Both were sentenced to 6 months in prison for their role in the wiretapping scandal, but neither is expected to actually serve time. Both are appealing their convictions to the Supreme Court.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these provisions in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are aired freely and widely reflected in the media.

The regional government of Cataluyna did not renew the broadcasting licenses of three Catholic radio stations, claiming that their renewal applications did not take seriously the Catalan language element. The stations had never in the past had problems with their license renewals. The Church announced in May that it would take the regional government to court over the issue.

The pro-ETA political party Herri Batasuna continued to criticize the 1997 conviction of 23 members of its National Committee for collaboration with an armed band as a violation of its members' freedom of speech. Each of the convicted HB officials was sentenced to 7 years' imprisonment and a $3,733 (560,000 pesetas) fine in connection with their decision to distribute a videotape made by ETA during HB's 1996 election campaign. One of the prisoners, Jon Cruz Idigoras, was freed in May due to poor health, and in July, three others had their penal grade reduced. On July 20, the Constitutional Court ruled in favor of HB/EH's motion to free the rest of the former HB National Committee members. In its ruling, the Court argued that the punishment specified in the Penal Code for collaboration with an armed band is disproportionately harsh relative to the crime and is therefore unconstitutional. Within hours of the Court's decision, the remaining HB National Committee members were freed.

The pro-ETA newspaper Egin and its affiliated radio station (Egin Irratia) have been closed since July 1998. Gara—another pro-ETA newspaper—has since emerged. The investigation into Egin's alleged subordination of its editorial line and hiring practices to ETA's command and the use of coded classified ads to coordinate ETA strategy is still ongoing. In a preliminary ruling issued on July 27, the National High Court ruled that Egin and its affiliated radio station could remain closed only until September 1. The Court argued that present circumstances did not dictate the continued closure of Egin. On August 6, Judge Baltazar Garzon decided to allow Egin and its affiliated radio station to reopen as of October but maintained judicial control over the various financial enterprises from which Egin gets its funding.

Academic freedom is respected.

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

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, although Catholicism is the predominant religion and receives some government funding. Jews, Muslims, and Protestants have official status, and receive some support from the Government. Other recognized religions, such as Jehovah's Witnesses and Mormons, are covered by constitutional protections but receive no assistance. Religions not officially recognized as such are treated as cultural associations. Religious courses are offered in public schools but are not mandatory.

There are some allegations that the Government discriminates against non-Catholic religions, principally by not providing all privileges accorded to the Catholic Church to other churches.

In May Parliament approved a nonbinding resolution calling on the Government to reinforce measures against the activity of destructive "sects." A 1989 law on sects already had authorized the police to investigate their activities, and a special unit was created for that purpose. The resolution was preceded by press accounts of a death under unusual circumstances of a member of Jehovah's Witnesses and the arrest of the leader of a group called The Orientation in April.

Also in April, a Helsinki Human Rights Federation report criticized the Government for discrimination against "new religions."

The regional government of Cataluyna refused to renew three local radio broadcasting licenses of the Catholic Church (see Section 2.a.).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens are free to travel within and outside the country, to emigrate, and to repatriate, and the Government respects these rights in practice.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum seekers. Under a 1994 law, asylum requests are adjudicated in a two-stage process with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. An interagency committee called the Interministerial Committee for Asylum and Refuge (CIAR) examines the applications admitted for processing. The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The decision of the CIAR in each case must be approved by the Minister of the Interior.

The 1994 law eliminated the distinction between asylum status and refugee status. This distinction was eliminated to prevent applicants from drawing out judicial proceedings by applying first for refugee status and then for asylum, if the former was denied.

The UNHCR advises the authorities throughout the process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases, but they often reevaluate decisions with which the UNHCR does not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside as well as within the country. From outside anyone can request asylum from a Spanish diplomatic or consular representative. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter may apply at the border or port of entry. The applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases of persons who apply inside the country, this decision must be reached within 2 months, but in cases of persons who apply at a port of entry this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours. The Ombudsman (see Section 4) has challenged the legality of this form of detention before the Constitutional Court, and a final decision is pending. The Court has issued a preliminary decision in which it ruled that this form of detention does not deprive the detainee of his liberty. This provisional decision allowed the Government to continue to detain applicants without modifications to its detention procedures.

Applicants have the right under law to free legal assistance regardless of where they are when they apply for asylum. This assistance is available from the first step in the process through any appeals of unfavorable decisions. The applicant also has the right to the assistance of translators and interpreters, and the OAR admits documents in any language without requiring an official translation.

A total of 6,764 persons requested asylum in 1998 (latest figures available), a 36 percent increase over the number who requested asylum in 1997. Of the total number of applicants, 2,794 were admitted for first screening, and 3,780 were denied further proceedings as a result of the first review of their application. Only 206 per-

sons were accorded permanent refugee status, and 491 were admitted for humanitarian reasons. The CIAR proposed that 236 persons be accorded permanent refugee status and 758 be allowed to stay for humanitarian reasons. There has been a steady drop in the number of those granted asylum in the past 5 years, since 1,287 applicants were granted asylum in 1993.

The Ombudsman expressed his concern over the high percentage of applications not admitted for processing (68.5 percent in 1997 and 56.6 percent in 1998). However, many persons apply with falsified documents and are rejected early in the process. Many such applicants come from politically stable but economically impoverished countries.

The Government's practice of substituting temporary admittance for humanitarian reasons for granting asylum also has been criticized. The former status includes some restrictions on access to the labor market and welfare payments, although it does grant the applicant residency and work permits. Another concern is that in some cases individuals whose asylum requests were turned down may have been expelled while their appeals were still in progress, although no statistics are available. The law allows the applicant a 15 day grace period in which to leave the country if refugee status is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begin after the 15th day.

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

The country continues to face a wave of illegal immigrants, mostly coming from North Africa. Illegal immigrants generally seek entrance through Spain's two enclaves on the north African coast, Ceuta and Melilla, as well as through attempted crossings by boat from the African continent to either peninsular Spain proper or the Canary Islands. Authorities say that under "normal" circumstances, they intercept no more than 30 percent of those who enter coming across the Straits of Gibraltar. In response the Government is resorting to a mix of tighter border controls, liberalized treatment for those who already have established themselves in society, and increased international coordination.

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

Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In the 1996 national elections, the Popular Party ended 13 years of Socialist (PSOE) rule, and Jose Maria Aznar became Prime Minister. National elections are due to be held again on March 12, 2000.

Governmental power is shared between the central government and 17 regional "autonomous communities." Local nationalist parties give political expression to regional linguistic and cultural identities.

Women are underrepresented in government and politics, although they are increasing their participation in the political process. Four female cabinet ministers were in the current Government, but two of them left during the year when they were promoted to higher profile positions in the European Union and the Senate. They were replaced by men, leaving only two female ministers in the 19-member Cabinet.

The number of female candidates for the national Parliament increased in the 1996 national elections. Although the President of the 256-member Senate is a woman, only slightly over 10 percent of the Senate's current members are women. The 350-member Congress of Deputies has 72 female representatives (22 percent of the total). In the 1999 European Parliament elections, both the PP and PSOE placed women at the top of their lists. On the PSOE list, 50 percent of the candidates were women.

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

A number of nongovernmental human rights groups, including the Human Rights Association of Spain in Madrid and the Human Rights Institute of Cataluyna in Barcelona, operate freely without government interference. The Government cooperates readily with international organizations, international nongovernmental human rights groups, and independent national groups investigating allegations of human rights abuses.

The Constitution provides for an Ombudsman, called the "People's Defender," who as part of his duties actively investigates complaints of human rights abuses by the authorities. The Ombudsman operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress

of Deputies, and is immune from prosecution. He has complete access to government institutions and to all documents other than those classified for national security reasons.

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

The Constitution provides for equal rights for all citizens. In 1995 the Parliament modified the Penal Code to make it a crime to "incite, publicize, or otherwise promote abuse or discrimination of people or groups" because of race, ethnicity, nationality, ideology, or religious beliefs. The Ombudsman received approximately 24,000 complaints in 1998, an increase of 6,000 compared with 1997. The majority of the complaints pertained to education and social services, although some pertained to discrimination, domestic violence, and mistreatment by law enforcement agencies.

Women.—Sexual abuse, violence, and harassment of women in the workplace continued to be problems. During the first 8 months of the year, 27 women died at the hands of their husbands or former husbands, according to the Government. Most of these deaths occurred during legal separation proceedings. During the same period, 15,495 women filed complaints against their husbands or partners. However, experts believe that only 10 percent of violent acts against women are reported to the authorities. Abused women filed 19,621 complaints in 1998, 3,000 more than in 1997. The Women's Institute, which is part of the Ministry of Labor and Social Affairs, consulted with 104,856 women concerning domestic violence and legal aid in 1998 compared with 86,893 in 1997. Some nongovernmental organizations (NGO's) estimate that from 600,000 to 800,000 cases of domestic abuse occur each year.

In 1998 the Government unveiled a 3-year, $60 million (9 billion pesetas) "Plan Against Domestic Violence." The plan criminalizes the violation of restraining orders and the infliction of psychological violence and calls for a quadrupling of the number of offices that assist victims and an expansion of medical and legal services. Other provisions of the plan include: The development of public awareness campaigns in the media and in the schools; the establishment of a domestic abuse database to streamline judicial investigations; increased access of victims to public housing; and greater linkage between medical, police, legal, and counseling services in order to promote an integrated approach to treating victims. Women's rights' advocates, while acknowledging that the plan incorporated many of their demands, expressed disappointment with several of its omissions. The Federation of Separated and Divorced Women criticized the plan as lacking in specifics, particularly its public sensitization campaigns. According to the Federation, the plan's key shortcoming is that it fails to make the issuance of a restraining order automatic upon filing a complaint. Currently, a restraining order is issued only after a guilty verdict. To date, the Government has invested over $15.2 million (2.288 billion pesetas) in the plan. Since the plan was approved, 9 special services units and 54 Civil Guard units staffed by 110 women have been created to assist battered women. There are special sections in the police department to deal with violence against women, which are staffed by trained female officers, and there are approximately 25 shelters for battered women. There are 54 official centers in all for mistreated women. A toll-free hot line advises women where to go for government shelter or other aid if mistreated. Also under the plan, during the year, 9,500 state security officers, judges, social workers, and educators attended 300 courses offered by the Government on human rights with a particular focus on battered women.

In November 1998, Amalia Gomez (General Secretary for Social Affairs, in the Ministry of Labor and Social Affairs) and Concepcion Dancausa (Director of the Women's Institute, also in the Ministry of Labor and Social Affairs) launched a campaign to sensitize the general public to the problem of domestic violence. The Women's Institute financed the campaign with $146,666 (22 million pesetas). The NGO Confederation of Neighborhood Associations (CAVE) is spearheading the campaign. This organization is composed of over 3,000 various neighborhood associations that aim to make women aware of how to combat domestic violence. In addition the Civil Guard, National Police, and CAVE signed an agreement to hire 10,000 women to staff centers where battered women can seek advice.

On February 23, the Parliament approved the text of a law that would allow for an "immediate" divorce upon conviction of a husband for domestic violence. The socially conservative political parties (PP and nationalist parties) tended to favor this bill. Womens' groups and the more left-of-center political parties (PSOE and NI) opposed the bill, due to concern that a woman's right to divorce her abusive husband would be dependent on an inefficient legal system that often takes years to complete a single criminal proceeding.

Trafficking in women for the purpose of prostitution, primarily from Latin America and Eastern Europe, appears to be growing (see Section 6.f.).

A 1989 law prohibits sexual harassment in the workplace, but very few cases have been brought to trial under this law. Meanwhile the number of women in the labor market is increasing steadily. The Government recognizes the difficulties faced by women in the work place. According to a decree approved by the Government in October 1998, employers no longer have to pay social security benefits to someone filling in for a worker on leave either for maternity, adopting children, or in other similar circumstances. Previously, companies hired substitutes for only 10 percent of workers on maternity leave. The Government hopes to raise this figure to 25 percent. A ministerial order to increase women's presence in sectors in which they currently are underrepresented provides a 2 year reprieve from paying social security taxes to employers who hire women in these sectors. The 1999 National Employment Action Plan gives priority to battered women who search for employment.

The Minister of Social Affairs reports that women constitute 43 percent of the work force. However, according to the Taxation Agency (Agencia Tributaria) and its 1997 report "Employment, Salaries and Pensions" completed by the Institution of Fiscal Studies, women hold only 18 percent of better paying positions. The female unemployment rate, at about 30 percent, is roughly double the male unemployment rate. Women outnumber men in the legal, journalistic, and health care professions but still play minor roles in many other fields.

Discrimination in the workplace and in hiring practices persists. A 1998 study of 100 labor union contracts revealed that 38 contracts failed to use gender-neutral language, 22 employed gender-specific job titles resulting in the imposition of discriminatory wage differentials (i.e., the salary of a male secretary, "secretario," is 13 percent higher than that of a "secretaria" in one food processing industry contract), and only 17 addressed the problem of sexual harassment. While the law mandates equal pay for equal work, a 1997 report by the Economic and Social Affairs Council shows that women's salaries still remain 27 percent lower than those of their male counterparts. The Council states that women are more apt to have temporary contracts and part-time employment than men. The National Association of Rural Women and Families (ANFAR) reported in 1995 that 80 percent of rural women are not employed formally but instead aid their husbands in farming or fishing. ANFAR reported that these women lack titles to family enterprises and do not receive the same social security benefits as the male head of household. Official unemployment statistics show that the rate for men was 16 percent and for women was 28 percent in 1997.

In 1998 the Parliament unanimously approved a nonbinding resolution urging the Government to calculate the value of nonrenumerated work performed each year and include this value in an adjunct Gross Domestic Product account. This would include domestic and volunteer work as well as unpaid work in family businesses and farming operations, the majority of it done by women.

Children.—The Government demonstrates its commitment to children's welfare through well-funded and easily accessed programs of education and health care. Education is compulsory until age 16 and free until age 18. The Constitution obligates both the State and parents to protect children, whether or not born in wedlock. The Ministries of Health and Social Affairs are responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGO's exist to further children's rights. For example the school help program for the protection of children has a team of experts who work with educators to help identify abused or abandoned children in the classroom.

The 1995 Law of the Child gives legal rights of testimony to minors in child abuse cases; it also obliges all citizens to act on cases of suspected child abuse and, for the first time, sets out rules regarding foreign adoptions. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

A new law extended parental leave for fathers from 4 to 10 weeks.

A 1996 penitentiary law lowered the maximum age that a child can remain with an incarcerated mother from 6 to 3 years. When the children reach their third birthday, they are sent to live with relatives or are placed in an institution. Some prisons have special units for mothers with children under age 3. They usually include a kindergarten, psychological support, and ways for children to get out of prison regularly. Family groups with children under the age of 3 can now stay together in cases where both parents are convicts.

People With Disabilities.—The Constitution calls for the State to provide for the adequate treatment and care of the disabled, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent disability, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels

of assistance and accessibility differ from region to region and have not improved in many areas.

The 1996 Penal Code continues to allow parents or legal representatives of a mentally disabled person to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of the mentally infirm does not constitute a violation of the Constitution. In practice many courts have authorized such surgery. Religious groups continue to protest this ruling.

The labor market reform laws of 1997 and 1998 worked out between the Government, labor, and management provided for incentives to hire individuals from groups underrepresented in the work force, such as the disabled. In the 1998 agreement, the Government agreed to partially subsidize the costs of hiring the disabled for part-time work.

National/Racial/Ethnic Minorities.—Public opinion surveys indicate the continued presence of racism and xenophobia, which result in discrimination against minorities. In a survey of 13- to 19-year-old Madrid students conducted in 1998 by the University Complutense in Madrid, 48 percent admitted to having anti-immigrant feelings, 51 percent blamed immigrants for increased drug use and crime, and 52 percent thought that immigrants took jobs away from Spaniards. According to the survey, 14 percent would favor expelling immigrants, and 11 percent would vote for an ultranationalist political leader similar to Jean-Marie Le Pen in France. However, another study claims that 65 percent of citizens do not believe that immigrants cause unemployment among Spaniards to be higher than it would be were the immigrants not present. The same number opposes discrimination and xenophobia and favors the integration of immigrants into society.

On January 25, the Council of Europe cited a resurgence in nationalism, sometimes violent, which manifested itself in intolerance towards Roma, Africans, and Arabs. The Council recommended that the Government modify the Constitution to better provide for the equality of minority groups.

Roma continue to suffer discrimination in jobs, schools, and housing. The Ombudsman's Office issued a manifesto in March that called for the end of prejudice and discrimination against Roma. According to a report issued by the NGO Gypsy Presence, the largest Roma-rights NGO, as many as 1 million Roma may live in the country. The organization estimates that half of this population is under 16 years of age and two-thirds are under the age of 25. The report states that one-third of Roma families are not economically self-sufficient. Romani activists attribute the high incidence of Romani informal sector employment in agriculture and peddling (an estimated 75 to 80 percent) to discrimination and historical marginalization. Although the Madrid High Court of Justice struck down a city ordinance prohibiting peddling, Gypsy Presence reports that local authorities continue to find ways to enforce the ban. According to the organization, several other municipalities have enacted similar statutes, and this has been detrimental to the economic welfare of many Roma. Romani women suffer even more acute difficulties when seeking employment, since employers are reluctant to hire women from ethnic groups with high birth rates.

A 1998 study found that only 35 percent of Romani children are fully integrated into the educational system. Approximately 60 percent of Romani children do not complete primary school, and only very few progress to middle school and beyond. According to a Gypsy Presence report, one-fifth of teachers describe themselves as anti-Roma, and one-fourth of students say that they would like to see Roma expelled from school. Truancy and dropout rates among Roma are very high, and Romani parents, over 80 percent of whom are functionally illiterate, often do not see the value of an education or are unaware of the educational opportunities for their children.

An unofficial government tendency to prioritize non-Romani squatter resettlement over Romani resettlement has led to an increasing proportion of Roma in shantytowns; Roma went from constituting 55 percent of the shantytown population in 1975 to constituting 95 percent of the squatter population in 1990.

In Madrid various encampments of recently arrived Roma occupy abandoned industrial areas. Some of these tent communities house up to 200 families. On February 17, the U.N. Children's Fund (UNICEF) criticized the lack of schooling for 200 children living in a camp in Malmea in the Fuencarral district of Madrid, which housed 350 Romanian immigrants. In March the municipal government responded to UNICEF's criticisms by providing shower facilities, vaccinations, and a plan to educate the children of the camp. However, on July 8, local authorities bulldozed the camp and relocated the inhabitants temporarily to a camp in Camino de San Roque, near a national highway. The authorities decided to resettle these immigrants in four camps. Critics charge that the camps are not suitable, since one is

located in an abandoned railyard, two are near an incinerator, and the other is near a toxic waste processing plant. However, two of the camps already constructed had shower facilities, electricity, lavatories, and kitchen facilities. The authorities decided that the camps would be gated, and all residents would have to carry identity cards to enter. These steps were taken to ensure that no immigrants join the original group resettled from Malmea. After 3 months in the new camps, local social services personnel planned to assess how well the Roma had integrated themselves into society. Those who succeeded sufficiently at integrating would be resettled into apartment blocks; the rest would be sent back to Romania. The political party Izquierda Unida (IU), NGO's, and the European Parliamentarian Rosa Diez of the PSOE criticized the camps. Diaz asked the European Union's Council of Ministers to look into the matter. In August 200 of the 350 recently arrived Roma left the San Roque camp and relocated to Valencia, Alicante, and Barcelona, thereby losing their right to be resettled.

A shooting incident in the village of Albaladejo in early May illustrated the problems that even economically successful Roma can face. According to an NGO, the victim in the case was Juan Jose Garcia Garcia, who at one time was accused of drug dealing and assaulting Civil Guards but was acquitted of both charges. However, Civil Guards continued to harass him, often stopping him for identity checks or not wearing a seatbelt. In 1996 the mayor of Albaladejo, Juan Angel Rodado Rubio, tried to close down Garcia's horse stable, claiming that it did not comply with sanitary standards. A subsequent veterinary inspection showed that the stable was operating in accordance with the law. According to Gypsy Presence, after being refused service at a bar, Garcia arranged to meet an employee of the bar, who later appeared at the appointed place with a another man, shot Garcia, and left him for dead. Garcia was able to contact his wife by cellular phone, and help arrived in time to save him. He has not yet recovered fully from his wounds. After the two assailants were apprehended, the residents of Albaladejo turned out in force to protest their incarceration and petition for their release. The mayor often led the demonstrations. In late June, the Provincial Court of Villanueva de los Infantes, which is responsible for the case, freed the two accused after they posted bond in the amount of $3,333 and $2,666 (500,000 and 400,000 pesetas respectively). Garcia and his family left Albaladejo.

Quasi-organized rightwing youth groups (called "skinheads" by the press) continued to commit violent acts throughout the year, terrorizing minorities. According to a report by the NGO Movement Against Intolerance, which the Ministry of Labor and Social Affairs helped prepare, the number of persons involved in ultrarightist groups has more than quintupled since 1995: at least 10,400 citizens are known to be involved in such groups, and the actual number could be as high as 20,800.

An NGO urged the Government to halt neo-Nazi activites in the formerly deserted village of Los Pedriches in the southeast. Foreign neo-Nazis were said to be organizing camps in the village. The authorities were monitoring the situation closely.

In July there were antiimmigrant demonstrations in Ca n'Anglada, a predominantly immigrant neighborhood in Terrasa, a suburb of Barcelona. Maghrebi immigrants were attacked by skinheads, themselves the descendents of immigrants from the less developed south of Spain in the 1950's and 1960's. These earlier migrants successfully integrated themselves into Catalan society, something they claim that the Maghrebis have failed to do. The inhabitants of Terrasa complain that the Maghrebi immigrants sexually harass their daughters and women. However, officials of the Catalan regional government stated that no complaints of sexual harassment or rape have been filed against members of the Moroccan community. In the worst of the incidents, a Moroccan youth was stabbed on July 14. He was taken to the hospital and listed in critical condition upon arrival. During a television interview, one skinhead called for Maghrebi immigrants to be killed and openly displayed a knife. The police detained 11 skinheads. In a July 20 statement, national government spokesperson Josep Pique characterized the occurrences in Terrasa as extremely worrying and called for tolerance.

In two other high profile cases, a mosque was set on fire in Gerona, as was a building in Banolas that housed approximately 20 immigrants from Senegal and The Gambia. Both incidents took place on July 19. The fire in Banolas was the third such suspicious incident in that month. A local store and another apartment block previously were set on fire. In a separate incident, three immigrants were hurt when a fire was set at their house in Gerona. To date the police have not detained any suspects in these cases.

A language or dialect other than Castillian Spanish is used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castillian, which is the "official language of the state," but it adds that other

languages also can be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall . . . be protected."

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional government. Spanish-speaking citizens are provided with the right to be dealt with by public officials in Spanish. The legislation also establishes minimum quotas for Catalan-language radio and television programming. Many activists in Catalunya's Spanish-speaking community criticized the law for discriminating against Spanish-speaking citizens and imposing "linguistic hegemony" on a diverse population. Lawsuits regarding specific applications of this law are pending in various courts. Both Galicia and Valencia have laws stating the duty of the Government to "promote" their regional languages in schools and at official functions.

The debate continued over the extent to which the Basque language (Euskera) should be promoted. The Union of Basque-Speaking Lawyers, affiliated with the pro-ETA HB political party, intensified its campaign against the use of translation services in trials of Basque-speaking citizens.

Section 6. Worker Rights

a. *The Right of Association.*—All workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing.

Under the Constitution, trade unions are free to choose their representatives, determine their policies, represent their members' interests, and strike. They are not restricted or harassed by the Government and are independent of political parties. A strike in nonessential services is legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The right to strike was interpreted by the Constitutional Court to include general strikes called to protest government policy. There were 632 strikes in 1998, a decrease of 53 from 1997. The number of striking workers in 1998 was 680,500, an increase of 29,900 on the previous year. The number of workdays lost to strikes in 1998 was 1,280,900, a decrease of 555,900 on the previous year.

Unions are free to form or join federations and affiliate with international bodies and do so without hindrance.

b. *The Right to Organize and Bargain Collectively.*—A 1980 statute provides for the right to organize and bargain collectively. Trade union and collective bargaining rights were extended in 1986 to all workers in the public sector except military personnel. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements are widespread in both the public and private sectors; in the latter they cover 60 percent of workers, notwithstanding that only about 15 percent of workers are actually union members.

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contend that employers discriminate in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

More than one-third of all employees are under temporary contracts.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country. Union membership in these zones is reportedly higher than the average throughout the country.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited, and the law is enforced effectively; however, there were instances of trafficking in women who were forced into prostitution (see Section 6.f.). In July the Madrid police detained three Chinese restaurant owners for employing eight undocumented workers and forcing them to work in slave-like conditions. Press reports on July 25 referred to undocumented workers in shoe factories in Valverde. According to the reports, just under 10 percent of the workers in some of Valverde's 50 shoe factories are hired in accordance with the law. The reports added that some workers earn as little as 67 cents (100 pesetas) per hour. Pedro Lazo, one of the factory owners, admitted that between 10 and 20 percent of the firms in Valverde use illegal hiring practices.

d. *Status of Child Labor Practices and Minimum Age for Employment of Children.*—The statutory minimum age for the employment of children is 16 years. The Ministry of Labor and Social Affairs is primarily responsible for enforcement. The minimum age is enforced effectively in major industries and in the service sector.

It is more difficult to enforce on small farms and in family-owned businesses, where some child labor persists. Legislation prohibiting child labor is enforced effectively in the special economic zones. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The law prohibits forced or compulsory labor by children, and it is enforced effectively (see Section 6.c.).

In August 1998 the U.N. Children's Fund called for an investigation into child labor on tomato farms in Badajoz. According to Red Cross personnel providing assistance to migrant farm workers there, over 200 children under the age of 16, the majority Portuguese citizens, worked 10-hour days and earned less than $14 (2,000 pesetas) per day. Many of the children were less than 10 years old.

e. *Acceptable Conditions of Work.*—The minimum wage was set in December 1999 for 2000 and is $14.16 (2,356 pesetas) per day or $424.80 (70,680 pesetas) per month. This represents a 2 percent increase compared with 1999. The legal minimum wage for workers over 18 years of age is considered sufficient to provide a decent standard of living for a worker and family. The rate is revised every year in line with the consumer price index and is enforced effectively by the Ministry of Labor and Social Affairs.

The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoy 12 paid holidays a year and a month's paid vacation.

Government mechanisms exist for enforcing working conditions and occupational health and safety rules, but bureaucratic procedures are cumbersome and inefficient. Safety and health legislation is being revised to conform to European Union (EU) directives. The Law to Prevent Labor Risks was passed in 1995 as the foundation for the completion of the rest of the EU directives. The National Institute of Safety and Health in the Ministry of Labor and Social Security has technical responsibility for developing labor standards, but the Inspectorate of Labor has responsibility for enforcing the legislation through judicial action when infractions are found. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection due to fear of losing their jobs.

f. *Trafficking in Persons.*—The law provides for sentences of up to 3 years' imprisonment and a fine for trafficking in persons.

Trafficking in women for the purpose of forced prostitution, primarily from Latin America and Eastern Europe, appears to be growing. At least three such rings were broken up during the year. One ring was run by Russians and Azerbaijanis and involved trafficking women from Eastern Europe. Another, which police in Castilla-La Mancha broke up in mid-July, brought women to the country from Africa, Europe, and South America. In August police in Andalucia detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador. In all these cases, women were promised jobs and given the necessary documents to enter the country. Upon arrival their documents were seized, and they were taken to alternative clubs and forced to have up to 10 sexual encounters per day.

Most women apprehended in raids are Latin Americans who entered the country legally as tourists (most from countries whose citizens do not require visas), but who began working as prostitutes instead. Profits in the sex industry are 10 times higher than those in other occupations commonly filled by migrants (waitresses, maids, etc.). Nonetheless, officials concede that significant numbers of women are trafficked to Spain by eastern European Mafia groups that ruthlessly exploit their victims. A Chinese gang, which forced migrants to submit to abortions, was apprehended. Media attention to the issue of international trafficking in women has encouraged NGO's and others to demand protection for victims. A draft law, which would provide permanent residency and social benefits for victims of trafficking and other undocumented migrants who provide testimony against their oppressors, has sparked controversy. Press accounts state that authorities detained 163 pimps and freed 865 foreigners from abusive situations in the first half of the year. The half-year figures surpass the totals for all of 1998. However, they fall far short of reaching the estimated 20,000 foreign women whom authorities suspect are involved in the sex industry.

The region around Barcelona is one of the prime destinations for trafficked women. Most of them work in truck stops or private clubs. A total of 1,387 such places are registered by Catalan authorities, and at least an equal number operate without formal permits.

SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Chief of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The judiciary is independent.

The Government effectively controls the police, all security organizations, and the armed forces.

Sweden has an advanced industrial economy, mainly market based, and a high standard of living, with extensive social welfare services.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government has longstanding programs to deal with violence against women and abuse of children and took steps against trafficking in women. Neo-Nazi violence increased during the year.

RESPECT FOR HUMAN RIGHTS

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

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

A trade union official was killed and his office building burned down in October after he exposed a colleague as a neo-Nazi (see Section 5).

Two policemen were killed by self-confessed neo-Nazis during a bank robbery in May (see Section 5).

Due to a lack of new evidence, the director of the Public Prosecution Authority halted the investigation into a 1995 case in which a man died in police custody. After a disagreement over the post-mortem findings, the Prosecutor General requested the opinion of the National Board of Health and Welfare, which was pending at year's end. The case remains under review by the Prosecutor General. Nongovernmental organizations (NGO's) remain very interested in the case.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits these abuses, and the authorities generally respect such prohibitions. Complaints of the excessive use of force by the police are infrequent. Thorough investigations have produced no evidence of a systemic problem. Typically, police officers found guilty of abuse are suspended or otherwise disciplined.

After a September clash between police and demonstrators, 10 complaints of use of excessive force were lodged against the police. Protesters did not obtain a permit for the demonstration, and the police arrested 243 persons—mostly youths—after bottles and rocks were thrown.

In 1998 four policemen were fired after being found guilty of committing crimes at work (mostly the use of excessive force). Between January 1997 and June 1998, 12 cases of excessive use of force resulted in disciplinary or criminal sanctions against police.

The police suspect that neo-Nazis were responsible for the June bombing of the car of a journalist who reported on neo-Nazi activity (see Section 5).

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

d. *Arbitrary Arrest, Detention, or Exile.*—Arrests are by warrant. The police must lodge charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. The law requires arraignment within 48 hours. The time between arrest and the first court hearing may be extended to 96 hours for detainees considered dangerous, likely to destroy evidence, or likely to flee. In cases involving more than one individual and in the case of foreigners, courts can and do order continued detention for 2 weeks at a time while police are investigating. Such detentions can be protracted, particularly in drug cases. Other than such dangerous suspects, detainees routinely are released pending trial. Bail as such does not exist. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court may order detention for up to 3 months, with judicial review every 2 weeks.

The Government does not use forced exile.

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

The court system is composed of three levels of courts: district courts, a court of appeals, and a Supreme court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. The authorities respect this provision. Normally the police must obtain court approval for a search or a wiretap. However, a senior police official may approve a search if time is a critical factor or the case involves a threat to life. A parliamentary committee each year reviews all electronic monitoring. An April Ministry of Justice report on the use of wiretapping is under review by the Government. Since only one request for a wiretap has been denied in recent years, NGO's argue that there is insufficient judicial oversight of this procedure.

In 1997 journalistic investigations focused attention on the country's pre-1976 practice of forced sterilization. The majority of persons sterilized were disabled either mentally or physically. Such operations were known for years to have taken place under pre-World War II legislation, most of them without force. It initially was reported that between 1934 and 1976, 62,888 forced sterilizations were carried out, 95 percent of them on women. In 1999 a government-appointed commission concluded that approximately 10,000 to 15,000 of these sterilizations were forced. The commission was to give priority to the question of damages to victims and also look into the possible existence of other categories of victims. The commission concluded its inquiry in May, and Parliament decided that month to pay damages of approximately $21,000 (175,000 krona) to each victim. Those compensated earlier with $6,000 (50,000 krona) are to receive the additional $15,000 (125,000 krona) without having to apply. Since the 1980's, the Government received 130 claims for compensation; it provided compensation in 17 instances, noting formal errors committed in these cases. Each of the 17 persons compensated received approximately $6,000 (50,000 krona). Ministers expressed regret and astonishment over the practice and how long it continued.

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 respects these provisions in practice. Most newspapers and periodicals are privately owned. The Government subsidizes daily newspapers, regardless of political affiliation. Broadcasters operate under a state concession. Until a few years ago, the State had a monopoly over ground-based broadcasting, but a variety of commercial television channels (one ground-based and several via satellite or cable) and several commercial radio stations now exist.

The Government may censor publications containing national security information. A quasi-governmental body excises extremely graphic violence from films, television programs, and videos.

Criticism of child pornography is widespread, and the debate on the legality of ownership of pornographic material continued. A new law criminalizing the possession and handling of child pornography came into effect on January 1, 1999. It also is illegal to publish or distribute such material. The Queen remains a strong and popular advocate of children's rights and an active opponent of child pornography.

The police suspect that neo-Nazis were responsible for the June bombing of the car of a journalist who reported on neo-Nazi activity (see Section 5).

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly, and the Government respects this right in practice. Police require a permit for public demonstrations. The authorities routinely grant such permits, with rare exceptions to prevent clashes between antagonistic groups or due to insufficient police resources to adequately patrol an event.

In an isolated incident, police refused an Amnesty International request to demonstrate outside an embassy in July. Authorities cited insufficient police resources as a justification for refusing the request.

The Constitution provides for freedom of association, and the Government respects this right in practice. A debate began during the year over the possible criminalization of neo-Nazi organizations.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government does not hamper the practice or teaching of any faith.

The country has maintained a state (Lutheran) church for several hundred years, supported by a general "church tax" (although the Government routinely grants exemptions). However, in 1995 the Church of Sweden and the Government agreed to a formal separation, effective in 2000, but the Church still is to receive some state support.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for free movement within, from, and to the country for citizens, and the Government respects these rights in practice.

The law and regulations incorporate the precepts in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. They are also consistent with the European Union's (EU) Dublin Convention. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; it also provides first asylum. In keeping with international agreements, the Government now reviews applications for asylum more thoroughly than before. The number of applications for asylum or residence permits increased in 1998 to 12,844 (from 9,623 in 1997). Applicants included 3,843 Iraqi citizens, 3,466 citizens of the Federal Republic of Yugoslavia (95 percent of whom were Kosovar Albanians), and 1,331 citizens of Bosnia-Herzegovina. Through July 6,046 persons sought asylum. The Government approved 7,066 applications in 1998; of these 4,980 were for humanitarian reasons. Nearly 11 percent of the country's population is foreign born.

The Government carries out expeditious returns of asylum seekers from EU countries or from countries with which there are reciprocal return agreements. In many cases asylum seekers were deported within 72 hours of arrival, and NGO's were critical of their lack of access to legal counsel. To remedy this the Government is experimenting with pilot programs at selected border crossings to provide expeditious legal assistance. Most of these are cases of persons who passed through or have asylum determinations pending in other EU countries. Applications can remain under consideration for long periods of time with applicants in uncertain status. Because of the appeals process in the courts, cases can extend for several years. These cases are few in number.

The principal complaint of NGO's is that the country lacks a transparent process for making decisions in asylum cases. They maintain that the asylum procedures lack rules to guide the conduct of authorities to ensure legal protection for asylum seekers. The procedures accord great discretion to individuals in decisionmaking positions. According to the NGO's, the decisionmakers use arbitrary, unspecified, and inconsistent criteria. NGO's are particularly critical of the unclear burden of proof and the lack of an appeals process to an independent court.

In 1998 the U.N. Committee Against Torture found merit in four complaints against the Government for seeking to return asylum seekers to countries where they faced risk of torture. In all of the cases the asylum seekers eventually were granted permanent residence on other grounds. The Government conducted a review of the safety of countries that are considered safe third countries. NGO's also raised the issue of insufficient protection for returnees to countries without a reciprocal return agreement. While these countries provide safe asylum, they are often reluctant to accept asylum seekers deported from European countries. Despite the Government's review, late in the year the authorities ordered the deportation of two Iranian asylum seekers to Tehran. The deportation was halted after the U.N. Committee Against Torture decided to review both cases to determine if the individuals would face torture if returned to Tehran.

Between April and August, 3,752 Kosovar Albanian refugees were granted temporary residence permits, initially valid for 11 months. By September 1,000 of the refugees had returned to Kosovo. Sweden has accepted over 100,000 refugees from the former Yugoslavia. The Government provides grants to Bosnians to travel to their homeland in order to determine if they wish to be repatriated. It also provides financial incentives for returnees, but there is no forced repatriation. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens exercised this right most recently in September 1998. Elections to the 349-member unicameral Parliament are held every 4 years. Noncitizen residents have the right to participate in local (city and county) elections.

Women participate actively in the political process and Government. They constitute 43.6 percent of the Parliament and 55 percent of the Cabinet. The governing Social Democratic Party largely kept its pledge to place women in half of all political appointments at all levels.

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

Several private organizations actively monitor issues such as the impact of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. The official ombudsmen publicize abuses of state authority and may initiate actions to rectify such abuses. Government agencies are in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance.

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

The Constitution provides for equal rights for all citizens, and the Government respects this provision.

Women.—There were 20,516 reported cases of assault against women (excluding rape) in 1998, compared with 19,093 in 1997. Most involved spousal abuse. In three-quarters of the assaults, the perpetrator was an acquaintance of the victim. Reported abuse against women occurs disproportionately in immigrant communities. On average 33 murders of women and girls are reported each year, half of them by men closely related to the victim. The number of reported rapes of persons over age 15 was 1,386 in 1998, compared with 1,050 in 1997. The law does not differentiate between spousal and nonspousal rape.

Trafficking in women from Russia and the Baltics for purposes of forced prostitution increased in recent years (see Section 6.f.). The purchase or attempted purchase of sexual services was made illegal as of January 1.

The Government has longstanding programs to deal with violence against women. The law provides complainants protection from contact with their abusers, if so desired. In some cases, the authorities help women obtain new identities and homes. Since 1994 the Government has provided electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments provide monetary support to volunteer groups that provide shelter and other assistance to abused women. The authorities strive to apprehend and prosecute abusers. Typically, the sentence for abuse is a prison term or psychiatric treatment. However, women complain about short sentences and the early release of offenders.

The law prohibits sexual harassment. During 1998 the law was amended to specify clearly employer responsibility to prevent and—if applicable—to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work can be obliged to pay damages to the victim. As with other forms of discrimination, women and men may take complaints to the courts or to their unions. To combat gender discrimination in the longer term, the equal opportunities act requires all employers, both in the public and private sector, actively to promote equal opportunities for women and men in the workplace. Employers with a minimum of 10 employees must prepare an annual equal opportunities plan.

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically, and 95 percent were women. In May Parliament decided to pay damages in such cases (see Section 1.f.).

The Government actively promotes heightened awareness of the need for gender equality by supporting conferences and seminars for employers in the private and public sectors. The Government believes that it implemented the recommendations from the 1995 U.N. Women's Conference in Beijing through changes in the law and new legislation. A law entered into force on January 1 that prohibits buying or even soliciting sexual services; convictions are subject to fines or prison terms of up to 6 months.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. According to Statistics Sweden, women's salaries were 83 percent of men's salaries in 1997. Considering differences in age, education, and occupational groups between men and women, the adjusted result is on average 93 percent of men's salaries. (A 1998 U.N. Development Program study reported that women's salaries averaged about 78 percent of men's salaries.) The equal opportunities ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Women and men also may pursue complaints through the courts. A third option, and by far the most common, involves settling allegations using the employee's labor union as mediator. In 1998 74 women and 17 men registered gender discrimination cases with the equal opportunities ombudsman. In 1998 three cases were taken to court. In the past, many of these cases

involved salary discrimination. In 1998 20 cases were settled by mediation, 31 were withdrawn, and 35 were dropped. The remainder are pending.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunities ombudsman reviews these plans.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides compulsory, free, and universal primary school education for children for 9 years. It also provides free medical and dental care for all children up to the age of 16 (19 for dental care). Parents receive some $1,000 per year for each child under 16 years of age. An official children's ombudsman monitors the Governments' programs.

The Government allocates funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offers counseling to troubled youngsters. The Government remains active internationally in efforts to prevent child abuse.

Although the physical abuse of children appears relatively uncommon, the public and authorities remain concerned by consistent data indicating an increase over the past several years. The number of reported cases for children under the age of 15 rose to 5,642 in 1998, up from 5,263 in 1997. The number of reported cases of sexual abuse of children under the age of 15 was 2,756 in 1998 and 2,412 in 1997. The U.N. Children's Committee criticized the Government, stating that it provides less protection for the children of immigrant and disadvantaged groups.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The authorities respect these laws, and the usual sentence is a fine combined with counseling and monitoring by social workers. However, if the situation warrants, authorities may remove children from the home and place them in foster care. Foster parents virtually never receive permission to adopt long-term foster children, even in cases where the parents are seen as unfit or seek no contact with the child. Critics charge that this policy places the rights of biological parents over the needs of children for security in permanent family situations.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is illegal, as is preparing and conspiring to perform such mutilations. Sentences can vary between 2 and 4 years' imprisonment. The failure to report such mutilation is also illegal under current laws. No cases have been reported under this law.

People with Disabilities.—With one exception, there are no specific laws prohibiting discrimination against persons with disabilities, and considerable efforts are made to ensure that the disabled enjoy equal opportunities. A new act that prohibits discrimination against disabled persons in the workplace came into force in May. Since 1994 the country has had an ombudsman for disability issues. The Government provides disabled persons with assistance aimed at allowing them to live as normal a life as possible, preferably outside an institutional setting. This support may include a personal assistant for the severely disabled, plus improvement of the workplace's accessibility to wheelchairs. Government assistance also encompasses services such as home care or group living. Regulations for new buildings require full accessibility, but the Government has no such requirement for existing public buildings. Many buildings and some public transportation remain inaccessible. Deaf children have the right to education in sign language. The parents of disabled children and disabled workers under the age of 65 receive financial assistance every 7 years to buy a car adapted to the person's disability.

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically (see Section 1.f.). In May Parliament decided to pay damages in such cases.

Indigenous People.—The country counts at least 17,000 Sami (formerly known as Lapps) among its 8.85 million inhabitants (Sami organizations place that number somewhat higher, 25,000 to 30,000). In 1994 Sweden was the last of the Nordic countries to allow formation of a Sametinget, or Sami Parliament, as an advisory body to the Government. Under the current Government, Sami issues fall under the Ministry of Agriculture.

The Sami continue a protracted struggle for recognition as an indigenous people under a variety of international agreements, such as International Labor Organization (ILO) Convention 169. Historically, the government resisted granting the Sami such rights. For example Sami children had no right to education in their native

language until the provision of such education to immigrant group children under a 1977 law forced the Government to grant Sami at least equal treatment. As a result of such education, northern Sami dialects have enjoyed a recent renaissance. However, Sami dialects in the southern portions of traditional Sami lands now may have too few native speakers to survive as living languages. In 1997 the Government initiated an inquiry into whether the country could ratify ILO Convention 169. The inquiry was published in May and concluded that the country could ratify the convention, but that this should not be done until a number of steps relating to Sami land rights are taken.

In 1994 the Government removed from the Sami the right to control hunting and fishing activities on Sami village lands, permitting instead totally unlimited hunting and fishing activity on all government property. Sami leaders continued to protest this change during the year.

Some Sami state that they face discrimination in housing and employment on an individual basis, particularly in the southern mountain regions.

Religious Minorities.—The Government is taking proactive steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust. Under its living history project, the Government provides educational material on the Holocaust to schoolchildren and families throughout the country. The media are also active in publicizing and condemning neo-Nazi activity.

The only anti-Semitic incident of note during the year involved an assault by neo-Nazi teenagers on a Jewish musical conductor in July. The teenagers involved were tried and incarcerated.

National/Racial/Ethnic Minorities.—Approximately 11 percent of Sweden's population is foreign born. "Skinhead" and neo-Nazi related violence increased during the year. Three known neo-Nazis were arrested in connection with the May shooting death of two police officers during the course of a bank robbery. A trade union official was killed in October after exposing a colleague as a neo-Nazi. Police strongly suspect neo-Nazi perpetrators in the June bombing of the car of a freelance journalist who had written extensively on neo-Nazi activity in the country.

These incidents led to a strong public reaction in favor of a tougher stance against these groups. The four largest daily newspapers mounted a campaign to discredit them by publishing the names and photos of 62 neo-Nazis and featuring editorials against their activities.

Neo-Nazi activity in the past rarely was lethal or appeared well organized and was directed mostly at immigrants. Since 1994 persons arrested and charged for racially motivated attacks received relatively harsh sentences. Although the Government does not compile national statistics on such acts, in recent years there have been approximately 100 violent incidents with racist overtones annually. However, cases during 1999 were notable for the fact that they targeted white, native, non-Jewish citizens.

Most estimates place the number of active neo-Nazis at fewer than 2,000, and there appears to be little popular support for their activities or sentiments. Many citizens doubt whether such youth actually embrace neo-Nazi ideology, and the Government supports activities by volunteer groups working against racism. The Government investigates and prosecutes race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judge both sides to be at fault. Neo-Nazi groups operate legally, but serious discussion is taking place about outlawing such groups. The Supreme Court has ruled that it can be illegal to wear xenophobic symbols or racist paraphernalia. Rightwing groups, which have and exercise the right to demonstrate, are not permitted to display signs and banners with provocative symbols at their rallies.

The ombudsman for racial discrimination reported in August that racial discrimination in the workplace is increasing. The report stated that 21 percent of persons interviewed claim to have experienced racial or ethnic discrimination in hiring practices.

Section 6. Worker Rights

a. *The Right of Association.*—The work force is approximately 80 percent unionized. Career military personnel, police officers, and civilian government officials, as well as private sector workers in both manufacturing and service industries, are organized. Most business owners belong to counterpart employer organizations.

Unions and employer organizations operate independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats). The law protects the freedom of workers to associate and to strike, as well as for employers to organize and to conduct lockouts. Within limits protecting the public's immediate health and secu-

rity, public employees also enjoy the right to strike. These laws are fully respected and are not challenged.

Unions have the right to affiliate with international bodies. They are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation among others.

b. *The Right to Organize and Bargain Collectively.*—Management-labor cooperation tends to be excellent and nonconfrontational. Labor and management, each represented by a national organization by sector (for example retailers and engineering industries), negotiate framework agreements every 2 to 3 years. More detailed company-level agreements put such framework agreements into effect at the local level. New framework agreements were signed during 1998 with most valid until 2001. In contrast with the recent past, most agreements with labor unions now provide for a degree of individualized pay, including merit bonuses.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints are resolved informally. The law protects union officials and members from dismissal or reprisals for official union activities. In some instances, unions even demand collective agreements regardless of the views and union status of employees. The Government is studying ways to strengthen the system of public mediation. Very few strikes took place during 1998—four legal and seven illegal—lasting half a day to a few days and involving few individuals.

Agreement was reached in 1997 between 12 employer associations and 8 unions representing 800,000 manufacturing employees on steps to prevent strikes and lockouts, such as requiring serious wage negotiations to start 3 months before a collective agreement expires and appointing a mediator if an agreement has not been reached after 2 months. As a result of this agreement, wages increased during 1997 by 2.5 to 3 percent following negotiations. This cooperation continued in 1998 and led to wage increases of approximately 3.7 percent.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and the authorities effectively enforce this ban. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Compulsory 9-year education ends at age 16, and the law permits full-time employment at that age under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. During summer and other vacation periods, children as young as 13 years may work part time or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforce this restriction. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—There is no national minimum wage law. Wages are set by collective bargaining contracts, which nonunion establishments usually observe as well. Even the lowest paid workers can maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or day care support) provided by social welfare entitlement programs. However, cutbacks in these programs have made it harder for some workers to make ends meet, particularly low-paid single women with children.

The standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. For workers not covered by a labor agreement, the law stipulates a limit for overtime at 200 hours a year, although exceptions may be granted for key employees with union approval; some collective bargaining agreements put the limit at 150 hours. The law requires a rest period after 5 hours of work but does not stipulate a minimum duration; in practice it is usually 30 minutes. The law also provides all employees with a minimum of 5 weeks of paid annual leave; labor contracts often provide more, particularly for higher ranking private sector employees and older public service workers. In 1997 the Government passed a new labor law making it easier for employers to hire workers for limited periods, as well as empowering local unions to agree to exceptions to last-in, first-out laws.

Currently the focus of concern regarding health and safety is on the psychosocial aspect. Occupational health and safety rules are set by a government-appointed board and monitored by trained union stewards, safety ombudsmen, and, occasionally, government inspectors. These standards are very high, making workplaces both safe and healthy. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations in order to consult a supervisor or safety representative.

f. *Trafficking in Persons.*—The law does not prohibit such trafficking, although traffickers are prosecuted under other statutes. A March report by the authorities set out a baseline on the extent of trafficking in 1998 after a survey of local police and the courts. A total of 5 traffickers and 12 women were involved in 4 court cases during 1998. Only one case was completed with a conviction. In all four cases, the traffickers were resident immigrants. The women involved came from Estonia, Lithuania, the Czech Republic, and Slovakia. The women are typically recruited by their countrymen who advertise in their local newspapers for work as cleaners or babysitters. Other women were "purchased" from traffickers and brought into the country. The report noted that considerable additional information available to the police suggests that the problem of trafficking is more widespread than the four court cases indicate

A 1998 study by the Foundation Women's Forum (FWF) indicated that there are very few organizations in the EU that monitor trafficking, but that those opposed to prostitution recognize the need for greater efforts. The FWF applied for an EU grant to work further on this problem.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation's linguistic and religious diversity, the Swiss political system emphasizes local and national political consensus and grants considerable autonomy to individual cantons. Voters approved a new constitution in April. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own distinct police forces that are kept under effective control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. There were allegations of occasional abuses by police.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living is very high.

The Government generally respects human rights, and the law and judiciary provide effective means of dealing with individual instances of abuse. There continue to be allegations by nongovernmental organizations (NGO's) of occasional police harassment directed against foreigners, particularly asylum seekers, including arbitrary detention. The Government is continuing to take serious steps to address violence against women. Trafficking in women for forced prostitution increased. Some laws still tend to discriminate against women. There continue to be reports of verbal abuse against foreigners by private citizens.

The new Constitution approved by voters in April provided for new protection for citizens' rights, including the principle of equal opportunity for the disabled and the right to strike.

RESPECT FOR HUMAN RIGHTS

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

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

Human rights groups strongly criticized police for the death of 27-year-old Palestinian Khaled Abuzarifeh, who died while being extradited in March. He was in the custody of three police officers who were escorting him to a plane for forced repatriation. The causes of his death are still unknown. NGO's consider current investigations of the case to be insufficiently independent.

On May 1, a military court convicted a former Rwandan mayor for crimes committed during the 1994 genocide, including murder (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. Fulgence Niyonteze, the former mayor of the town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. He was sentenced to life imprisonment.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution proscribes such practices, and there were no reports of violations. There were allegations by NGO's and some individuals of occasional police harassment of foreigners, particularly asylum seekers (see Section 2.d.).

In January the Geneva Prosecutor General dismissed a criminal complaint lodged against Geneva police by Nigerian human rights activist Clement Nwankwo. He had accused the police of assaulting him on the street and subjecting him to degrading treatment in a police station following his arrest in 1997. While acknowledging that Nwankwo had been a victim of abuse of power, the Prosecutor General concluded that disciplinary sanctions imposed on three officers following an administrative inquiry were sufficient punishment. In 1998 the Supreme Court rejected Nwankwo's final appeal against his conviction for resisting the police at the time of the arrest, thus putting an end to all judicial proceedings. Nwankwo received no compensation, and the disciplinary actions against the three police officers were dropped without explanation. In October 1998, Nwankwo lodged a petition against Switzerland with the European Commission of Human Rights, claiming violation of two articles of the European Convention for the Protection of Fundamental Human Rights and Freedoms.

Swiss NGO's believe that the Nwankwo case underscores overall problems with police treatment of foreigners, especially asylum seekers in Geneva and perhaps elsewhere. The cantonal government took measures in response to the incident, including launching an administrative inquiry into the conduct of the three police officers involved. The police successfully appealed the reprimand and warning that were imposed as a result of the inquiry. In 1998 the NGO Association for the Prevention of Torture organized a special seminar for police officers in Geneva. The Federal Government and the Canton of Geneva are expected to finance publication of a special brochure aimed at increasing respect for and awareness of the rights of all persons in custody. The brochure is to be distributed throughout the country.

In 1997 following its examination of Switzerland's third periodic report, the U.N. Committee Against Torture expressed concern about "frequent allegations of ill-treatment" inflicted in the course of arrests and police custody and a lack of independent mechanisms in the cantons to provide certain legal protections such as the possibility, "especially for foreigners," to contact their family or a lawyer in case of arrest and to be examined by an independent doctor on entering police custody, after each interrogation, and before being brought before an investigating magistrate or being released. The Committee recommended the introduction of mechanisms to receive complaints of mistreatment by police officers against suspects and for the harmonization of the 26 different cantonal codes of penal procedure, "particularly with regard to the granting of fundamental guarantees in the course of police custody." In addition the Committee recommended that the authorities pay "the greatest possible attention" to the handling of cases of violence attributed to police officers in order to ensure the opening of investigations and, in proven cases, the imposition of possible sanctions. Responding to committee recommendations, in 1998 a team of experts appointed by the Federal Office of Justice presented a preliminary study identifying possible characteristics of a future federal-level code of penal procedures that would replace the cantonal codes. The study recommends granting fundamental protections to detainees in police custody, including the introduction of a legal right to inform relatives or third parties of their arrest. However, the committee did not recommend a provision for access to a lawyer from the time of arrest. The Federal Office of Justice is expected to issue a draft code in 2001.

Prison conditions meet minimum international standards, although some NGO's complain of prison overcrowding. The Government has taken measures to improve prison conditions and address overcrowding.

Brazilian national Luis Felipe Lourenco had been living illegally in the country and was arrested in 1998 by police in Geneva on charges of theft of a credit card. He allegedly was beaten by prison guards while in custody. The guards reportedly waited 2 hours before transporting Lourenco to the hospital, where he was diagnosed with a perforated lung and damage to his spinal cord. The Brazilian Embassy reportedly asked the authorities to look into the incident. Inquiries are ongoing, but there has been no official report. Amnesty International criticized the police for brutality in its 1999 annual report. Lourenco claims to be partially paralyzed as a result of the injuries that he suffered at the hands of prison guards. The prison administration claimed that Lourenco's injuries were incurred when he threw himself against a door.

The Government permits prison visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—The legal prohibitions on arbitrary arrest and detention are respected fully at all levels of government. The cantons are responsible for handling most criminal matters, and their procedures vary somewhat from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate. However, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. Some NGO's alleged that the authorities arbitrarily de-

tained asylum seekers (see Section 2.d.). A suspect has the right to choose and contact an attorney as soon as the warrant is issued; the State provides free counsel for indigents in most situations. Investigations are generally prompt, even if in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. In 1998 about one-third of all prisoners were in pretrial detention, and the average length of such detention was 1 week.

The law prohibits forced exile, and the Government does not use it.

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

All courts of first instance are local or cantonal courts. Citizens have the right to appeal to a higher instance court and ultimately to the Federal Court.

Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder (or other serious cases) by a public jury. Trials usually are held expeditiously. The Constitution provides for public trials in which the defendant's rights are fully respected, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant. All government authorities respect these provisions, and violations are subject to effective legal sanction.

Journalistic reports of pre-1970's instances of forced sterilization of women led parliamentarians in 1997 to ask the Federal Council to write a report on the practice as well as the legal, medical, historical, and social policy background of forced sterilization, in view of a projected tutelage law that is to include regulations concerning sterilization of mentally disabled persons. Parliament decided against issuing such a report. Forced sterilization was not ordered by the Federal Government. However, one cantonal government adopted such a law in 1928, which was abrogated in the 1970's. Women's organizations apparently made no public statements about the reports.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities may legally restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition, an article of the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

Parliamentary immunity protects parliamentarians from prosecution for acts that relate to their government position. However, the legal commission of the Council of States has proposed its abolishment following an incident in which a national councilor, Rudolf Keller, made anti-Semitic remarks and could not be prosecuted for breaking the antiracism law because of his parliamentary immunity.

The nationwide broadcast media are government-funded but possess editorial autonomy. Private and foreign broadcast media operate freely.

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

c. *Freedom of Religion.*—The Constitution provides for complete freedom of religion, and the Government respects this right in practice. There is no single state church, but all cantons support at least one of the three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with public funds. In all cantons, an individual may choose not to contribute to church funding. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the "church taxation" status that the traditional three denominations enjoy.

Foreign missionaries must obtain a "religious worker" visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers.

Religion is taught in public schools. The doctrine presented depends on which religion predominates in the particular state. However, those of different faiths are free to attend classes for their own creeds during the class period. Atheists also are allowed to be excused from the classes. Parents also may send their children to private (parochial) schools or teach their children at home.

Due to increasing public concern over certain groups, especially Scientology, the Government in 1997 asked an advisory commission to examine Scientology. The commission published its findings in 1998. According to the report, there is no basis at present for special monitoring of Scientology, since it does not represent any direct or immediate threat to the security of the country. However, the report stated that Scientology had characteristics of a totalitarian organization and had its own intelligence network. The commission also warned of the significant financial burden imposed on Scientology members and recommended reexamining the issue at a later date.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Under the Constitution and the law, citizens are free to travel in or outside the country, to emigrate, and to repatriate. Non-Swiss convicted of crimes may receive sentences that include denial of reentry for a specific period following completion of a prison sentence.

Switzerland traditionally has been a haven for refugees, but public concern over the exceptionally high number of asylum seekers entering the country in the wake of the Balkan war generated pressure on the Government to tighten its policy regarding their acceptance. In the first half of the year, 18,000 Kosovar Albanians sought asylum, raising the number of refugees from the former Yugoslavia to 65,000.

In a June referendum, voters approved a revision of the asylum law that had been passed by Parliament in 1998. The revised legislation includes collective admission for victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail misuse of the asylum regulations and to enable more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who cannot credibly justify not having identity papers. In such a case the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGO's contend that such a short time span does not constitute an effective remedy and therefore violates the European Convention on Human Rights.

Some human rights organizations have charged the authorities with abuses in connection with the implementation of a 1995 law aimed at asylum seekers or foreigners living illegally in Switzerland who are suspected of disturbing the public order or avoiding repatriation. In particular, these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charge that police officers use the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight and the Federal Court has overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claim that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports is increasing.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated that in July the total number of asylum applicants and temporary residents living in the country was 110,000. Some 20,000 applications (64 percent more than for the same period in 1998) were submitted by June alone, according to the Federal Office for Refugees. Refugees whose applications are rejected are allowed to stay temporarily, if their home country is experiencing war or insurrection. The Government denies having forced persons to return to countries where they have a well-founded fear of persecution and insists that each case is examined carefully. However, NGO's including the well-known Augenauf organization have accused the Government of sometimes expelling rejected asylum seekers even though conditions in their native country remain unfavorable.

In December the Government apologized for its asylum policy during World War II, in which thousands of Jewish refugees were refused entry to the country (see Section 5).

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 (at local, cantonal, and federal levels), and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In addition initiative and referendum procedures provide unusually intense popular involvement in the legislative process. On April 18, voters approved a new Constitution.

Women were disenfranchised until 1971 at the federal level, but since then their participation in politics has continued to expand. In December 1998, Parliament elected Ruth Dreifuss as the first female President. Women occupy 55 of the 246 seats in the Parliament, 2 of 7 seats in the Federal Council (Cabinet), roughly one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executives. However, in 1995 and 1996 voters rejected two local initiatives designed to reserve a fixed percentage of elective seats for women. In 1997 the Federal Court declared invalid another local initiative with the same purpose. A vote on an initiative to mandate equal gender representation in all federal institutions is scheduled to take place in 2000.

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

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

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

The Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status. The Government generally enforces these prohibitions effectively, although a few laws tend to discriminate against women. The new Constitution includes provisions for equal rights for the disabled and for minorities.

Women.—Violence against women is a problem. According to a government-funded study on domestic violence, one-fifth of all women suffer in their lifetimes at least once from physical or sexual violence, and about 40 percent suffer from psychological or verbal abuse.

The law prohibits wife beating and similar offenses. Spousal rape is a crime in the Penal Code. Victims of violence can obtain help, counseling, and legal assistance from specialized agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. Cantonal police have specially trained units to deal with violence against women, and victims legally are entitled to be heard exclusively by female police officers and judges. An estimated 680 women and 730 children took refuge in 14 women's shelters across the country during 1998. Those in charge of the shelters estimate that nearly as many were denied access due to a lack of space and limited funding.

The difficulty in gathering information about the number of prosecuted, convicted, or punished spouse abusers stems in part from the fact that legal cases are handled by each canton and data are often not up-to-date. According to 1998 police criminal statistics, 320 men were investigated for rape offenses; in 1997, the last year for which data are available, 92 men were sentenced for rape.

The Federation of Women's Organizations and numerous other women's NGO's have heightened public awareness of the problem of violence against women. In 1998 two government-supported women's organizations that fight for equal gender rights jointly conducted the first national campaign against violence in relationships. This campaign received extensive media coverage.

Prostitution is legal; however, working without a valid work permit is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women is a problem (see Section 6.f).

Although the Constitution prohibits all types of discrimination, and a 1981 amendment provides equal rights, equal treatment, and equivalent wages for men and women, a few laws still tend to discriminate against women. In 1996 a new federal law on equal opportunity for women and men came into force. The law includes a general prohibition on gender-based discrimination and incorporates the principle of "equal wages for equal work." The law also includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment. The Supreme Court has ruled that in a divorce settlement the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man is the primary wage earner in most mar-

riages, when the income is too low to support both parties it is usually the wife who must go on welfare.

The Federal Office for Equal Opportunities for Men and Women and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. As a follow-up to the Fourth World Conference on Women, held in 1995 in Beijing, China, in June a federal level interdepartmental working group issued an action plan that outlined strategic goals and measures to improve the situation of women. These include measures in the areas of education, health, violence against women, the workplace, human rights, the media, and the environment. For example, the plan calls for financial support for child care facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women.

On average women earn 20 to 30 percent less than men. Researchers have found that discriminatory behavior by employers accounts for 40 percent of the overall wage gap between men and women. Women also are promoted less often than men. Individual cases of denial of equal pay for equal work are subject to the new law. In 1996, the most recent year for which data are available, 27.7 percent of the women between the ages of 15 and 61 were not in the work force; of those in the work force, only 46 percent worked full-time. Women hold over 80 percent of all part-time jobs.

Press reports of pre-1970's instances of forced sterilization of women remained a matter of concern (see Section 1.f.).

The law prohibits women from working during the first 8 weeks after the birth of a child. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In June voters rejected a proposal in a referendum for 14 weeks of paid maternity leave at 80 percent of their salary for working women. The Parliament had passed legislation in December 1998 providing maternity insurance—as mandated by the Constitution—after 50 years of deliberation. Hundreds of persons demonstrated to protest the vote. President Ruth Dreifuss said that the defeat reflected a combination of fear of adding a new social benefit and indifference to the plight of new mothers, especially low-income mothers. However, many of the working women who have negotiated maternity benefits with their employers receive benefits beyond those in the proposed law.

In its 1998 review of the Government's 1996 Report on the Implementation of the U.N. Covenant for Economic, Social, and Cultural Rights, the U.N. Committee for Human Rights criticized continuing discrimination against women in Switzerland. The Committee noted that despite the existence of legislation against discrimination, de facto discrimination against women and ethnic minorities continues to exist in various areas. This is especially true in the labor market, where a disproportionate number of women and minorities occupy lower paid and part-time jobs. As a result, women suffer from poverty more often than men. The Committee also expressed concern about the level of domestic violence against women, which authors of a Government study estimate at over 100,000 cases per year.

Children.—Despite the fact that the Government has no special program for children and that there is no special governmental office for children's matters, the Government demonstrates its strong commitment to children's rights and welfare through a well-funded public education system and medical care.

The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in recent years to child abuse, especially sexual abuse. For convicted perpetrators of the latter, the law provides for imprisonment of up to 15 years. In 1997 amendments to the federal Penal Code came into effect that provide for an increase in the statute of limitations in cases of child abuse from 5 to 10 years. In severe cases of sexual abuse, the statute is to begin to take effect only when the victim turns 18. There is no societal pattern of abuse of children.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its worldwide web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via electronic mail. According to the Penal Code, the production, possession, distribution, or showing of hard pornography are punishable with fines or prison sentences. Any pornography involving children falls into this category. In March an NGO published the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases. Most of the victims were girls between 13 and 17 years of age.

With respect to child abuse abroad, the law provides for prosecution only if the act is considered a crime in the country in which it took place. Experts have proposed making such acts punishable in Switzerland regardless of where the crime took place, but there was no legislative action on the problem during the year.

Parliament's ratification of the U.N. Convention on Children's Rights included five reservations, the most important of which concerned children of migrant seasonal workers who are not automatically permitted to join their parents. Children of foreigners working as migrant laborers are only permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their homeland for 1 month. The Government is reexamining the necessity of these reservations and is expected to include its conclusions in its next report to the Committee on Children's Rights, which is due in 2000.

People with Disabilities.—There are strong legal prohibitions against discrimination directed at disabled persons in employment, education, and the provision of other state services. Advocates for the disabled have called for new measures to ensure greater protection for their rights, including easier access to buildings and public transportation. However, the Government has not mandated that buildings or transportation facilities be made accessible. In 1996 a Member of Parliament proposed legislation to amend the Constitution to provide equality of opportunity for the disabled. In April voters approved a new Constitution, which contains an article that provides for equal opportunities for the disabled.

In a June referendum, voters defeated a proposal to abolish pension benefits to the partially disabled.

A 1995 law exempts disabled men from the tax imposed on those who have not fulfilled their military duty.

Religious Minorities.—In response to the issue of Holocaust era assets, the Government and private sector initiated a series of measures designed to shed light on the past, provide assistance to Holocaust victims, and address claims to dormant accounts in Swiss banks. The Independent Commission of Experts under Professor Jean-Francois Bergier, charged with examining the country's wartime history and its role as a financial center, issued its report in December and found that there are more than 24,000 documented rejections of asylum seekers during the World War II period, including a large number of Jewish refugees, who were refused asylum even after authorities were aware of the dangers they faced from the Nazis. The Federal Council issued a statement repeating its previous apology for policy errors made during World War II and stating that its asylum policy "was marred by errors, omissions, and compromises." Also in December, the Independent Committee of Eminent Persons under Paul Volcker released its report on "dormant accounts of victims of Nazi persecution in Swiss banks." The report represents the culmination of a 3-year investigation into the fate of victims' accounts. The Volcker report recommended that the Swiss Federal Banking Commission publish about 26,000 account holder names, based on their probable or possible identity as Holocaust victims. The report also made recommendations on the means of resolving claims by victims of Nazi persecution or their heirs, and the appropriate treatment of dormant accounts in the future. The Swiss Special Fund for Needy Holocaust Victims received approximately $190 million (SFR 273 million) in contributions from the private sector and the Swiss National Bank. By September the Fund had allocated but not yet distributed 92 percent of the initial contribution to Holocaust survivors in Israel, Australia, Germany, Latin America, and Eastern Europe. On March 31, the Government's World War II task force became the Switzerland-World War II Office; the office remains engaged in supporting progress on resolving Holocaust assets issues. A $1.25 billion settlement of the class action lawsuit filed in the United States against Swiss banks was announced in August 1998, and formally completed in January. A New York court is expected to receive a final proposed plan of allocation and distribution by the end of April 2000. A judge is to consider the plan and any comments at a hearing scheduled for May 30, 2000.

In March the Swiss National Bank released a report that stated that its officials ignored warnings that they were buying looted Nazi gold. The bank has contributed approximately $70 million (SFR 110 million) to the Swiss Special Fund for Needy Holocaust Victims.

Two Swiss insurance companies participate in the ongoing efforts by the International Commission on Holocaust Era Insurance Claims to establish a formula and just sum for compensating Holocaust victims or their families for policies they held.

The Federal Council unsuccessfully sought legislation during the year to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered in the Holocaust. It would create the fund through the sale of gold reserves recently declared "excess." However, the proposal is controversial among some groups in parliament.

In the context of the discussions over Nazi gold and Holocaust era assets, anti-Semitic slurs reportedly still remain a problem. Government officials, including the President, have spoken frequently and publicly against anti-Semitism. From 1995 when the law was enacted to April, the cantons have reported 41 convictions for violating the antiracism law to the Federal Department of Justice. Sentences for convictions under the antiracism law included cases of several months' conditional prison terms and a $3,378 (SFR 5000) fine. The Human Rights Watch Organization Augenauf was among the NGO's that expressed concern over the continued existence of anti-Semitic sentiment.

In November 1998, the Federal Commission against Racism released a report on anti-Semitism in the country, which expressed concern that the recent controversy over the country's role during World War II had to some extent opened the door to expressions of latent anti-Semitism. At the same time, the Commission described the emergence of strong public opposition to anti-Semitism, and credited the Federal Council with taking a "decisive stand" against anti-Semitism. The Commission also proposed various public and private measures to combat anti-Semitism and encourage greater tolerance and understanding. In its initial response to the report, the Federal Council pledged to facilitate implementation of the Commission's recommendations. In December the creation of a center for tolerance in Bern was announced officially. The center is to develop school curriculum materials designed to teach historical lessons, show the possible manifestations of racism and xenophobia, and promote tolerance.

The parliamentary immunity of a national councilor who made anti-Semitic remarks led to a proposal that such immunity be abolished (see Section 2.a).

In the country's highest court refused a Church of Scientology appeal to strike down a municipal law that barred persons from approaching others on the street using "deceptive or dishonest methods." The court ruled that a Basel law, prompted by efforts to curb Scientology, involved an intervention in religious freedom, but did not infringe on it.

National/Racial/Ethnic Minorities.—According to NGO statistics, there were 73 reported attacks against foreigners/minorities in the first 7 months of the year, compared with 70 for the first half of 1998. These figures include instances of verbal and written "attacks", which are much more common than physical assaults. Investigations of these attacks are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes are commonly sentenced to from 3 days' to 3 years' imprisonment with a fine of up to approximately $27,000 (SFR 40,000).

Section 6. Worker Rights

a. *The Right of Association.*—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives. The Government does not hamper the exercise of these rights. About one-quarter of the work force is unionized.

The right to strike is legally recognized and freely exercised, but a unique labor peace under an informal agreement between unions and employers—in existence since the 1930's—has meant fewer than 10 strikes per year since 1975. The new Constitution provides specific protection for the right to strike. There were no significant strikes during the year.

Unions are independent of the Government and political parties, and laws prohibit retribution against strikers or their leaders. Unions can associate freely with international organizations.

b. *The Right to Organize and Bargain Collectively.*—By law workers have the right to organize and bargain collectively, and the law protects them from acts of antiunion discrimination. The Government fully respects these provisions. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level. Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Although there is no specific constitutional or statutory ban on forced or compulsory labor in general, and on child labor in particular, such practices generally are not known to occur; however, trafficking in women for forced prostitution increased.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children is 15 years, and children are in school up to this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 is strictly regulated; they cannot work

at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions.

The Government does not specifically prohibit forced and bonded labor by children, although such prohibitions are implicitly included in the Labor Act. Such forms of labor are not believed to occur (see Section 6.c.).

Government officials inspect companies that employ children after having received complaints. Every year a few employers are fined or receive conditional imprisonment for violations of the law.

e. *Acceptable Conditions of Work.*—There is no national minimum wage. The lowest wages fixed in collective bargaining are generally adequate to provide a decent standard of living for a worker and family. However, in January the Swiss Association of Trade Unions released a study that found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, defined as earning less than approximately $15,500 (SFR 22,900), which is half of the median wage.

The 1964 Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period during the workweek. Overtime is limited by law to 260 hours annually for those working 45 hours per week and to 220 hours annually for those working 50 hours per week.

The law protects legal and illegal foreign workers. However, illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There have been no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective is unclear. In 1998 voters approved a new labor law designed to increase flexibility in the workplace and to remove restrictions on women working at night. A worker may leave a dangerous assignment without penalty.

f. *Trafficking in Persons.*—The Penal Code criminalizes sexual exploitation and trafficking in persons. According to September press reports, police officials are concerned over a growing number of foreign women subject to abuse in sex trafficking rings. In the past, victims came from Thailand, parts of Africa, or South America; recently an increasing number of women come from Hungary, Russia, Ukraine, and other states of the former Soviet Union. Many victims are forced to work in salons or clubs to pay for the cost of their travel and forged documents, and find themselves in a state of dependency. Traffickers sometimes seize victims' passports. Generally the victims do not read, write, or speak the country's languages, and are afraid to seek help from the authorities.

Since 1905 the Government has had an office to combat trafficking of girls for the purpose of commercial sexual exploitation. Over the years this office has evolved to include all forms of trafficking in persons. The Federal Office for Police has a human trafficking office as part of the criminal intelligence unit. In 1998 the Government institutionalized the exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs recently launched programs intend to combat trafficking from Eastern Europe. In order to confront modern forms of trafficking in women, especially via the Internet, the federal police have increased the number of their agents. In 1997 four persons were convicted of trafficking in women and 13 were convicted of sexual exploitation; and in 1997–98 police uncovered a large Thai trafficking organization. Its leader was arrested, tried, and convicted.

Prostitution is legal; however, working without a valid work permit is illegal. Women arrested for illegal prostitution are deported rapidly. There is no witness protection program for victims, and many victims are afraid to cooperate with police. The federal police are working with cantonal authorities to encourage them to provide delayed deportation and counseling to victims, in order to encourage them to testify. In March the Government introduced new visa requirements for applicants in four South American countries—Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women has a program to educate visa applicants in their native countries about the dangers of falling victim to traffickers and their common methods.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and a clique of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support limited his control of the entire territory of the

country. Rahmonov won reelection as President in November elections that were flawed seriously and were neither free nor fair. As part of the peace accords that ended the civil war, members of the opposition took approximately one-third of the high level positions in the Government. Although the Constitution was adopted in 1994 and amended in September, political decisionmaking normally takes the form of power plays among the various factions formerly on one side or the other during the civil war that now make up the Government. The legacy of civil war continued to affect the Government, which was faced with problems of demobilizing and reintegrating former opposition troops and maintaining law and order as rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although the Government actually relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments. Some members of the government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system making a difficult transition to a market-based one. Most of the work force is engaged in agriculture, part of which remains collectivized. Government revenue remains highly dependent on state-controlled cotton production. The small industrial sector is dominated by aluminum production (another critical source of government revenue), although most Soviet-era factories operate at a minimal level, if at all. Small-scale privatization is over 60 percent complete, but medium- to large-scale privatization still is stalled. Many, but not all, wages and pensions are being paid. The country is poor, with a per capita gross national product of approximately $182 according to government sources; other estimates are lower. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority of the population and a small number of former progovernment and opposition warlords, who control most of the criminal sectors of the economy.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. The Government limits citizens' right to change their government and prevented free and fair elections. The November presidential elections were flawed seriously. Some members of the security forces were responsible for killings and tortured, beat, and frequently abused detainees. These forces were also responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. Impunity remains a problem and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. The Government continued to use arbitrary arrest and detention, as well as arresting persons for political reasons. Lengthy pretrial detention remained a problem. Basic problems of rule of law persist. There are often long delays before trials, and the judiciary is subject to political and paramilitary pressure. The authorities infringed on citizens' right to privacy.

The Government continued to restrict severely freedom of speech and of the press, and essentially controls the electronic media. The Government denies opposition access to state-run radio and television; however, opposition newspapers begun in 1998 continued to publish, and a number of small television stations were operated by nongovernmental organizations. Journalists practice self-censorship. The Government restricts freedom of assembly and association by exercising strict control over political organizations; it banned two opposition parties and prevented another from being registered. The Government prevented all but one opposition candidate from registering for the presidential election. There are some limits on freedom of religion, and there are some restrictions on freedom of movement. The Government still has not established a human rights ombudsman position, despite a 1996 pledge to do so. Violence against women is a problem, as is discrimination against women, the disabled, and religious and ethnic minorities. Child labor is a problem. There were some instances of forced labor, including by children. Trafficking in women is a problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that opposition units threatened, extorted, and abused the civilian population.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were a number of extrajudicial killings; however, it was difficult to estimate the number or to attribute responsibility in many cases. Some killings were committed by competing government forces for varying motives, both political and economic.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.).

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. Tolib Boboev, an official of the banned opposition Party of Popular Unity, was killed by masked gunmen while visiting the home of his son on January 2. Socialist Party leader and parliamentary human rights commission chairman Safarali Kenjaev was shot and killed by unidentified gunmen outside his home in Dushanbe on March 30; two bodyguards and his driver also were killed. At the time of his death, it was widely speculated that Kenjaev planned to run in the presidential elections. Ministry of Interior press center chief Jumakhona Khotami also was shot and killed near Dushanbe (see Section 2.a.). In addition a number of high-ranking figures associated with various competing paramilitary factions were killed. In most cases, suspects have not been identified. The competence of the investigations and their independence from official interference was questioned. A number of apparent murders essentially were concealed, with official news noting only that the individual died.

A major serving with the Russian border guards was shot and killed in Dushanbe on November 25. In October and November, two senior Tajik military officials were murdered.

Both the Government and the opposition used land mines during the civil war. Some unmarked mine fields in the Karategin Valley probably killed innocent civilians. The Government also has laid numerous minefields along the border with Afghanistan, although the primary victims are believed to be border infiltrators. Some killings were committed by former opposition forces, and others by independent warlords answering to neither the Government nor the opposition.

In the case of the 1998 killings of four United Nations personnel in the Karateqin Valley, the Government tried and convicted three individuals arrested for the killings in late 1998, and executed them early in the year.

In January warlord Ravshan Gafurov confessed to the shooting of leading opposition and former journalist figure Otakhon Lafiti on September 22, 1998; Gafurov also confessed to 25 other murders. In December the Government announced the name of the individual who murdered prominent academician Muhammad Osimi in 1996 and said that he had fled the country.

There were no developments in the 1997 killings of several Russian servicemen, or in the 1996 murder of the Mufti of Tajikistan.

b. *Disappearance.*—There were a number of disappearances during the year. The taking of hostages for revenge or for bargaining purposes remained a common occurrence. Political pressure and a lack of professional resources hamper police efforts to investigate disappearances.

The 5-year-old nephew of opposition presidential candidate Davlat Usmon was kidnaped from his parents' home several days before the presidential election; he was recovered unharmed on the outskirts of Dushanbe a day later.

Forces aligned with the opposition were involved closely with the Uzbek militants who took Japanese and Kyrgyz nationals hostage in Kyrgystan, then brought them into Tajikistan, where eventually they were released.

There were no developments in the 1996 disappearance of Zafar Rahmonov, the opposition cochairman of the Joint Commission on Cease-fire Observation.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and use systematic beatings to extort confessions. There were credible allegations that security forces illegally detained, mistreated, and beat members of opposition parties or their relatives (see Sections 1.d. and 1.f.). Impunity remains a serious problem, and the Government prosecuted few of the persons who committed these abuses. However, several security officials were convicted of abuses in Kurghanteppa during the year.

The Government has acknowledged that the security forces were corrupted by criminal elements and that most citizens chose to keep silent in the face of official mistreatment rather than risk retaliation by the police. In the southern region of Shaartuz, the Tajik Border Forces (TBF) control much of the drug trade, and the

local population has made numerous complaints of harassment and human rights abuses committed by the TBF.

In November two individuals identifying themselves as Ministry of Interior officials apprehended former Kabul University professor Nurshahi Shahkur, an Afghan national living in Dushanbe. They took him to the Ministry of Interior building, where they tortured and beat him in an apparent extortion attempt. A doctor later certified that Shahkur was tortured, and the Afghan Embassy in Dushanbe raised the issue with the Government. In December three masked men attacked Mukhiddin Idizoda, deputy editor of the opposition newspaper Nadzhot (see Section 2.a.).

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage. A number of civilians were injured in fighting between rival paramilitary factions that broke out repeatedly in Dushanbe, often in crowded areas such as the Green Bazaar. An October bomb blast in Dushanbe's central department store, the TsUM, injured three persons.

Prison conditions remain harsh and life threatening. Prisons generally are overcrowded, unsanitary, and disease-ridden, producing serious threats to many prisoners' health. This problem reflects in part the self-funded status of most prisons, under which before 1992 prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy also meant the virtual disappearance of these programs. Some food production has resumed, but it is still inadequate. Some prisoners die of hunger. Family members are allowed access to prisoners only after a guilty verdict, in accordance with the law.

There was no official action against government forces for the deaths of 26 prisoners when they retook Khojand prison in 1997. Abdulhafiz Abdullojonov, the brother of a political opponent of the President, was arrested in May 1997 on narcotics charges that appear fabricated and sentenced to death in 1998. Despite appeals for clemency based on a diagnosis of terminal cancer, Abdullojonov remained in prison and claimed to have been denied proper medical treatment. Government sources say that he was executed early on in the year, although other sources maintain that he simply died in prison of cancer.

The Government has invariably denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. *Arbitrary Arrest, Detention, or Exile.*—The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it therefore retains many of the defects inherited from Soviet times. The Government claims that revision of the Criminal Code is a high priority, but due to the size and complexity of the code, the small parliamentary staff, and limited time in session for the Majlisi Oli (parliament), progress has been slow. There is no projected completion date, and there has been no indication of progress toward a comprehensive revision of the Criminal Code. However, during the year, the law was changed to increase punishment for crimes such as rape, theft, and illegal drug use. The system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons. Public order, which broke down during the civil war, has yet to be restored fully, and the virtual immunity from prosecution of armed militia groups has eroded further the integrity of the legal system.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code maintains that all investigations must be completed 1 month before the 15-month maximum in order to allow the defense time to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days. However, it is common for cases to be delayed for many months before trial begins. There is no provision for bail, and lengthy pretrial detention is a problem.

The Government made politically motivated arrests, and there are credible allegations of dozens of cases of illegal government detention of members of opposition political parties or their relatives. In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (also see Section 1.c.).

Opposition sources maintain that security forces detained dozens of persons unlawfully without charge. Since the law precludes visits to persons in pretrial detention, it is not possible to assess these allegations. There could be as many as several hundred political detainees, but the absence of ICRC or other access to these persons makes any estimate uncertain.

Militia troops detained Abdurahman Karimov, chairman of the Party of Justice-Seekers, in October, holding him incommunicado for 10 days before finally releasing him.

In response to a May 4 appeal by the Commission for National Reconciliation, President Rakhmonov charged senior government officials with drafting a decree on terminating criminal proceedings against opposition fighters and granted amnesty to those already sentenced for their actions during the civil war. Human Rights Watch reported that by December, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters.

Border Force units routinely take family members of deserters hostage and hold them until the deserters return to duty.

The Constitution states that no one can be exiled without a legal basis; no laws have been passed so far setting out any legal basis for exile. There were no reports of forced exile. Some opponents of the Government are in self-imposed exile.

e. *Denial of Fair Public Trial.*—The 1994 Constitution states that judges are independent and subordinate only to the Constitution and the law, and prohibits interference in their activities; however, in practice the political leadership and, in many instances, armed paramilitary groups directly influence judicial officials at all levels. Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and republic level are for the most part poorly trained and lack understanding of the concept of an independent judiciary. Bribery of prosecutors and judges appears to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court, which began to function in 1997.

According to the law, trials are public, except in cases involving national security or the protection of minors. The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice arrested persons often are denied prompt, and in some cases any, access to an attorney.

There was no information during the year concerning Bahrom Sodirov, who was charged in the February 1997 kidnaping of the Minister of Security, 5 UNMOT personnel, and 11 others. Sodirov was arrested soon after the hostages were released. His trial from which observers were barred, was suspended in late 1997 and has not resumed.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal weight, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute, whichpresumes the guilt of all persons brought to trial. In practice, bringing charges tends to suggest guilt to most citizens.

The Government holds political prisoners, including opposition party activists, although estimates of the number of prisoners vary widely. The Government and the Tajik opposition exchanged multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November the Government had released all UTO prisoners, with the exception of six individuals, named on lists submitted by the UTO, of whom the Government claimed no knowledge. The Government accepted the UTO's 1998 claim that it released all POW's that it held.

Abdulhafiz Abdullojonov, whose arrest and unfair trial in 1997 were politically motivated, remained a political prisoner until his mysterious death early in the year (see Section 1.c.).

On December 28, a court in the city of Khujand imposed death sentences on two participants in the failed November 1998 coup headed by former army colonel Mahmud Khudoberdiev. A further 25 Khudoberdiev supporters received prison sentences ranging from 9 to 21 years. The trial was closed to the public and held without publicity.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law;" however, the authorities continued to infringe on citizens' right to privacy. Except for some special circumstances, police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they must then inform the procurator within 24 hours. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security. There is no independent judicial review of police searches conducted without a warrant.

Government forces beat and arrested the relatives of members of opposition parties (see Sections 1.c. and 1.d.). Security forces also detained relatives of deserters in order to compel deserters to return to duty (see Section 1.d.).

In some cases, the security services apparently prevented members of banned political parties from finding employment; others were fired or demoted when they refused to join the ruling party (see Section 3).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies cannot speak freely or critically. The Government exercises control over the media both overtly through legislation and less obviously through such mechanisms as "friendly advice" to reporters on what news should not be covered. The Government also controlled the printing presses and the supply of newsprint and broadcasting facilities, and subsidizes virtually all publications and productions. Editors fearful of reprisals exercise careful self-censorship. .

The number of local newspapers is increasing, but only a handful of them attempt to cover serious news. Several are organs of political parties or blocs. The Government exerted pressure on newspapers critical of it, particularly the newspaper Jumbesh, which published the views of the UTO and other opposition parties. The Government printing press has refused to print this newspaper since mid-October.

The two opposition newspapers that began publication in 1998, Mujahed (Voice of the Mujahad) and Muzhda (Good News) are no longer published. Najot, the new official paper of the Islamic Renaissance Party, began weekly publication in October.

On July 4, Ministry of Interior press center chief Jumankhon Hotami was shot and killed near Dushanbe, according to family members, who also said that on at least one occasion he had fallen out of favor with members of the Government for going too far into his research on the drug trade, which resulted in the temporary suspension of his television program on the subject (see Section 1.a.). Three armed, masked men attacked Mukhiddin Idizoda, deputy editor of the opposition newspaper Nadzhot, near his home on December 27. The newspaper is funded by the opposition Islamic Renaissance Party (see Section 1.c.). Sergei Sitkovskii, a Russian national working for the newspaper Tojikiston, was killed in a car accident in September. He was preparing an article on narcotics trafficking at the time and papers were removed from his person at the scene of the accident. The Government has stated that the case is closed.

According to a November Human Rights Watch report, no independent radio stations have licenses to operate, and the newspapers of most opposition political parties are unable to publish. Independent television stations continued to experience administrative and legal harassment, and access to the state-run media by opposition politicians is virtually nonexistent. There is one government-run television network; its several local stations cover regional and local issues from an official point of view. There are 36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. Some have independent studio facilities and do not have to use official studios. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications and the State Committee on Radio and Television. At every stage of the very time consuming bureaucratic process, there are high official and unofficial fees. The news agency Asia-Plus continued to wait for the broadcasting license for which it had applied earlier, but at year's end, it had not received a license.

Access to the Internet is limited, in part, by state control. A single company holds a government-granted monopoly on Internet access services. As a result of its high fees and limited capacity, access to information over the Internet is out of reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding, and in practical terms by the need to find alternate employment to generate sufficient income, leaving little time for academic writing.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet. Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. Sometimes this right is honored, but the Government subsequently has been known to take reprisals against organizers. Because fear of reprisal is so widespread, public assemblies or demonstrations of a political nature were rare during the year.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the law on nongovernmental associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. Once registered, an organization may apply for a permit to hold a public assembly or demonstration.

There are six political parties registered with the Government. The Party of Popular Unity was banned in December 1998, and the Agrarian Party was banned in April; the Government refused its request to reregister in October. The Party of Economic and Political Revival of Tajikistan was banned in March because of insufficient membership. The Party of Justice and Progress has not been banned, but the Government denied it registration. Several months after lifting the ban on the Democratic Party (Almaty platform), the Government banned the Democratic Party (Tehran platform), ostensibly on the grounds of insufficient membership.

In May 1998, the Parliament passed a law prohibiting the creation of political parties with a religious orientation. The opposition UTO, international organizations, and foreign governments strongly criticized the law for violating the spirit and the letter of the 1997 peace agreement. In June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute, which proposed compromise language for the law, banning political parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in November 1998. Subsequently, parties of religious character are permitted to register; however, only one such party, the Islamic Renaissance Party, has done so.

The leadership of opposition parties reported threats and harassment of party members by the authorities. In some cases, members of banned political parties were unable to find employment, apparently at the direction of security services; others were fired or demoted when they refused to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some exceptions. According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. President Rahmonov has defended secularism aggressively and occasionally criticized Islam as a political threat. In 1997 the Government subordinated the Council of the Islamic Center to the Committee on Religious Affairs; however, the observant Muslim community apparently did not object to this step.

Although unregistered, recently organized religious communities, such as Baha´i and Hare Krishna groups function with no apparent formal restriction.

In May 1998, Parliament passed a law prohibiting the creation of political parties with a religious orientation. The UTO, the largest component of which is the Islamic Renaissance Party (IRP), along with international organizations and foreign governments, strongly criticized the law for violating the June 1997 peace agreement, which included a government commitment to lift the ban on member parties of the UTO. Subsequently, the amendments to the Constitution approved by the September referendum authorized political parties with a religious orientation.

Aside from the registration requirement, there are few official constraints on religious practice, but government officials sometimes issue extrajudicial restrictions.

For example, the mayor of Dushanbe prohibited mosques from using microphones for the five-times-daily call to prayer. There are also reports that some local officials have forbidden members of the Islamic Revival Party from speaking in mosques in their region. However, this restriction is more a reflection of political rather than religious differences. In Isfara, following allegations that a private Arabic language school was hosting a suspected Uzbek terrorist, the authorities imposed restrictions on private Arabic language schools (to include restrictions on private Islamic instruction). These restrictions appear to be based on political concerns, but the effect on private religious instruction is also clear.

The Government imposed restrictions on the number of pilgrims allowed to go on the Hajj in 1998. Individuals were not permitted to travel in a personal vehicle; persons were required to travel by government-owned transportation, primarily buses. There were regional quotas on the number of pilgrims, which led to corruption as places were sold. Comparable restrictions continued during the year.

Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights; however, the Government imposes some restrictions on them.

The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the republic's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas in the southwest is not restricted significantly, except occasionally at the border, which is closed intermittently by one side or the other.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. This process sometimes includes lengthy interviews. The Ministry of Security sometimes withholds or delays exit visas when it believes that other ministries or NGO's are infringing upon its jurisdiction and have not adhered to its formalities for foreign travel.

Residents of Dushanbe and those travelers who wish to remain longer than 3 days are supposed to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely are ignored in practice. There are no legal restrictions on changing residence or workplace.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union notify the Ministry of Interior of their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate.

Persons who wish to return to Tajikistan after having emigrated may do so freely by submitting their applications to the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons, other than those who fled Tajikistan for political reasons after the civil war, are not permitted to return freely. Some persons currently active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return.

A number of persons remained internally displaced as a result of the civil war, but their total number was difficult to estimate. The UNHCR no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provides protection and modest assistance, and it actively cooperates with international organizations to resettle them. Resettlement is voluntary; IDP's are not returned forcibly to dangerous conditions.

The Constitution provides for the grant of asylum to persons who have entered the country seeking protection, in accordance with U.N. refugee criteria.

Under the 1994 refugee law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The Central Department of Refugee Affairs under the Ministry of Labor has responsibility for the registration of refugees.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum (and provided it to 1,766 Afghans and 5 Iraqis from the beginning of

the year until the fall). However, the U.N. does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a transit point en route to Western Europe. There were unverifiable reports of the forced return of persons to a country where they feared persecution: part of a large group of Uzbeks (comprising a guerilla force loyal to militant Islamist Juma Namangani and approximately 1,000 dependent family members) reportedly was sent in buses back to Uzbekistan. Later, the Government allowed the remainder of Namangani's forces and their dependents to cross the border into Afghanistan. On August 27, the chairman of the security council, Amirkul Azimov, announced that all the Uzbek citizens living in the Karategin valley had left the country.

The Central Department of Refugee Affairs (CDR), under the Ministry of Labor, handles the registration of Afghan refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and Tajikistan's 1994 Law on Refugees. An unresolved problem stems from the unofficial government policy of denying official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided their admission to the country (avoiding their being jailed as illegal immigrants); however, their legal status remains uncertain. There were no cases during the year.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return, as well as thousands from the Commonwealth of Independent States (CIS), returned to Tajikistan. There was incremental progress during the year in returning occupied houses to their original UTO fighter owners. However, problems remain, but they are almost entirely in the Khatlon region.

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; however, the Government limits the right of citizens to change their government peacefully and freely. In practice President Rahmonov's Government remained dominated by a clique from the Kulyab region, although 30 percent of government positions (including the post of first deputy prime minister) were allocated to members of the UTO in accordance with the 1997 peace agreement. Although the peace accords called for parliamentary elections in 1998, the Commission for National Reconciliation has not yet completed necessary preliminary work, and the elections have not yet been held. Some opposition party activists remain either jailed or in self-exile abroad.

Members of the current Majlisi Oli took office in 1995 after elections marked by numerous irregularities, such as voter intimidation and ballot-box stuffing. The Majlisi Oli is not considered a truly independent parliament, although a number of its members nevertheless belong to parties or groups that oppose the Government vigorously on specific issues.

The results of a September referendum on amendments to the Constitution likely reflected overall public opinion accurately. The amendments concerned extending the length of the presidential term from 5 to 7 years; permitting political parties with religious orientation; and replacing a part-time, unicameral parliament with one that was full-time and professional. The Government announced that 91.55 percent of the electorate voted and that 71.79 percent approved the amendments. However, the conduct of the referendum was flawed in numerous ways. Observers noted voters casting ballots for others not present, there was a lack of ballot secrecy, and there were cases of unprofessional conduct on the part of polling station staff. Eyewitnesses reported that voter turnout was substantially lower than official statistics indicated, and perhaps did not reach 50 percent.

The Government's handling of preparations for the November presidential elections cast doubt on the possibility that there could be a peaceful transfer of power through genuinely free and fair elections. Candidates had to contend with a cumbersome registration process requiring them to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, probably ahead of time, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Davlat announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. Davlat told journalists in Dushanbe on November 7 that he believed the outcome of the election was rigged and that only 20 to 30 percent of voters had participated. President Rahmonov enjoyed a virtual monopoly over mass

media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; the claim lacked credibility.

On December 3, government and opposition representatives on the Commission for National Reconciliation reached agreement on the number of deputies to be elected to each chamber of the new parliament; the lower chamber is to consist of 63 deputies and the upper chamber is to have 33 senators.

There are no formal barriers to women's participation in the electoral process; however, they are underrepresented in government and politics. Since the removal of Soviet-era quotas the number of female deputies has declined. At year's end, there were five female deputies in the Parliament, one female deputy serving as deputy prime minister, one female deputy chairman of the Parliament, one female minister, and several female deputy ministers.

While ethnic Uzbeks make up some 25 percent of the total population, they are underrepresented in the political system. President Rahmonov's Government actively has sought to keep ethnic Uzbek leaders, such as Colonel Mahmud Khudoberdiev, out of political life.

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

The Government's record on dealing with international and nongovernmental investigation of alleged human rights abuses was mixed. Fear of persecution by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO's dealing with human rights; several such organizations exist. The Government did not prevent actively citizens or government officials from participating in international and local seminars sponsored by the OSCE, the ICRC, United Nations agencies, NGO's, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in Tajikistan, at times was critical of the Government.

The international human rights group Human Rights Watch/Helsinki operates without government restriction, investigating and publishing its findings on human rights cases. Government officials are generally cooperative in dealing with the organization; however, they are not responsive to its views.

Although the Government agreed in 1998 to establish a national human rights institution and ombudsman position with OSCE financial support, it decided in 1996 to establish such functions itself. However, thus far no institution or ombudsman position has been established.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its several field offices. However, these field offices experienced varying levels of cooperation with local authorities. The OSCE opened field offices in Gharm and Khojand following Government permission to do so and now has five field offices in the country. The Government continued to refuse the ICRC unconditional access to prisons in accordance with standard ICRC modalities, despite letters received in the past from senior government officials that such access would be forthcoming and further efforts by the ICRC during the year.

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

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge, and property. It also explicitly states that men and women have the same rights. However, in practice there is discrimination as a result of cultural traditions and the lingering hostilities from the 1992 civil war.

Women.—Wife beating is a common problem. In both urban and rural areas, many cases of wife beating go unreported and many of those cases reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition abduction of young women, who are raped or forced to marry their abductors, is widely reported.

The Criminal Code prohibits rape; however, it is widely believed that most cases are unreported, and the problem is believed to be growing, particularly in urban areas. The threat of rape often is used to coerce women. There are no special police units for handling these cases. One rape crisis center was established by a local

NGO in Dushanbe in 1993. The situation is exacerbated by a general decline in public order, so that in many cities, including Dushanbe, women exercise particular care in their movement, especially at night.

The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

There are credible reports of trafficking in women (see Section 6.f.).

There have been reports of physical harassment of women by conservative Muslims in rural areas for not wearing traditional attire.

According to the law, women have equal rights with men. Articles in the Criminal Code protect women's rights in marriage and family matters. Girls often are pressured to marry men that they do not choose themselves, and illegal polygamy is increasingly common.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing, and in urban areas women can be found employed throughout government, academic institutes, and enterprises. Some women hold the same jobs as men, although not in equal numbers. Women officially receive the equal pay for equal work, but this regulation is not always the case in practice. However, divorce rates in urban areas are comparatively high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas are also much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice, inheritances may pass disproportionately to sons.

Children.—The Government's lack of financial resources left it unable to fulfill its extensive commitments to children's rights and welfare, and the government social security network for child welfare appeared to continue to deteriorate. Women are provided 3 years of maternity leave and monthly subsidies for each child; health care is free. Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools (a number of which have been founded since the end of the Soviet period), or join together in groups that hire teachers to give their children lessons for a fee. Public education is intended to be universal; however, a significant number of school-age children—possibly as high as 20 or 25 percent in some areas—work instead of attending school. The old Soviet practice, which is now illegal, of closing high schools at cotton harvest time and putting the students to work in the field continues in some areas.

There is no societal pattern of abuse of children.

People with Disabilities.—The 1992 Law on Social Protection of Invalids stipulates the right of the disabled to employment and adequate medical care. However, in practice the Government does not require employers to provide physical access for the disabled. Financial constraints and the absence of basic technology to assist the disabled result, in practice, in high unemployment and widespread discrimination. There is no law mandating accessibility for the disabled. There are facilities for the mentally disabled; however, funding is limited and the facilities are in poor condition. Several international NGO's provide limited assistance to persons with disabilities.

Religious Minorities.—Baha'i and Hare Krishna groups experience only limited prejudice. A prominent 88-year-old member of Dushanbe's Baha'i community was killed in his home in September. Members of the Baha'i community believe that he was killed because of his religion, since none of his personal possessions were taken from the murder scene. Police made no arrests, although militant Islamists aligned with Iran are considered likely perpetrators.

Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity.

National/Racial/Ethnic Minorities.—Ethnic Uzbeks make up approximately a quarter of the population but are substantially underrepresented in official positions. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs. A weekly television broadcast in Uzbek ceased in August.

In practice Russian is the language of interethnic communication and widely used in government. Ethnic Russians and related Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic population to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceive an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include Tajik and Uzbek students. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persist between ethnic Uzbeks and Tajiks in some areas; government officials have organized meetings at the local level to resolve conflicts; however, the authorities apparently have not arrested or prosecuted suspects in murders of ethnic Uzbeks in July 1998. Since the signing of the peace treaty in 1997, there have been multiple murders of ethnic Uzbeks in the Panj district. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring CIS countries.

Section 6. Worker Rights

a. *The Right of Association.*—The Law on Social Organization and the Law on Trade Union Rights and Guarantees both provide all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations.

The Federation of Trade Unions, a docile holdover from the Soviet era, remains the dominant labor organization, although it has since shed its subordination to the Communist Party. The Federation consists of 20 professional trade unions and claims 1.5 million members, virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in over 3,000 small and medium-sized enterprises, totaling about 37,000 employees (according to 1998 figures). Many of the enterprises in which these two organizations are nominally present are not functioning because of the general economic depression, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The Law on Tariff Agreements and Social Partnerships mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration can take place at the company, sector, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment and have espoused compromise between management and workers.

There were no official, union-sanctioned strikes, nor were there any wildcat strikes (which last occurred in 1996).

The law provides citizens but not unions with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

b. *The Right to Organize and Bargain Collectively.*—The right to organize and bargain collectively is codified in the Law on Trade Union Rights and Guarantees, the Law on Social Partnerships and Collective Contracts, and the Law on Labor Protection. Employees, members of the trade union, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it is becoming increasingly difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firingan employee based on union activity to reinstate the employee.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, except in cases defined in the law; however, it persists in some cases. No labor laws have been passed since the adoption of the Constitution in 1994. Neither the Law on Labor Protection nor the Law on Employment, both predating the present Constitution, specifically prohibits forced or compulsory labor. The Soviet practice of compelling students to pick cotton was banned officially in 1989; how-

ever, high school students in some regions still are sent to the fields to pick cotton, particularly in the Leninabad area, sometimes with compensation. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did.

The law does not specifically prohibit forced or bonded labor by children; however, apart from traditional participation by children in family agricultural or home craftsman work, such practices are not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—According to labor laws, the minimum age for the employment of children is 16, the age at which children also may leave school legally. With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age can perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The law prohibits forced or bonded labor by children, and such practices generally do not occur, apart from family-based work (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage. The nominal minimum wage per month (effective in January) was approximately $1.50 (2,000 Tajik rubles). This rate fell far short of providing a decent standard of living for a worker and family. The Government recognizes this problem and has retained certain subsidies for workers and their families at the minimum wage. Although the Government adopted a wage indexation law in 1993 and inflation has been high, the law has not been implemented.

Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods.

Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise. The employee could then sell or barter those products in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1½ times the normal rate and the rest of the overtime hours at double time.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it is virtually certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked in substandard conditions, greatly underreported the number working in those conditions. Workers can leave their jobs with 2 months' notice, but, given the bleak employment situation, few choose to do so. The Law on Labor Protection provides that workers can remove themselves from hazardous conditions without risking loss of employment.

f. *Trafficking in Persons.*—The law does not prohibit trafficking in persons. There are credible reports of trafficking in women, particularly among groups involved in the narcotics trade with Afghanistan (see Section 5). Although such trafficking is illegal, the Government has taken no significant action against it.

TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In 1993 it elected Suleyman Demirel President for a 7-year term. After April parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahceli, and former Prime Minister Mesut Yilmaz's Motherland Party (ANAP) formed a new Government in June with Ecevit as Prime Minister. The military exercises substantial, but indirect, influence over government policy and actions—and politics—in the belief that it is the constitutional protector of the State. The Government generally respects the Constitution's provisions for an independent

judiciary; however, various officials acknowledge the need for legislative changes to strengthen its independence.

For over 15 years, the Government has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal originally was the formation of a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in five southeastern provinces that faced substantial PKK terrorist violence. The Parliament in November lifted the state of emergency in Siirt province. The level of violence decreased substantially compared with the previous year. The state of emergency region's governor has authority over the provincial governors in the five provinces, and six adjacent ones including Siirt, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. The state of emergency decree was renewed in five provinces (Diyarbakir, Hakkari, Sirnak, Tunceli, and Van) for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (gendarmerie) carry out this function in the countryside. The armed forces, in support of the police and particularly the Jandarma, carry out operations against the PKK in the state of emergency region, thereby serving an internal security function. These operations declined in number as the terrorist threat ebbed. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams," other TNP personnel, village guards, and Jandarma committed serious human rights abuses.

The Government passed a series of long-awaited economic structural and fiscal reforms. These developments bolstered the Government's launch of a 3-year disinflationary program designed to rectify income disparities. The export-oriented market economy contracted during the year, due to the disinflationary program, the aftermath of the Russian financial crisis of 1998, a slump in tourism revenues, and the impact of the August 17 earthquake. A slight recovery was apparent by year's end. Trade in manufactured goods, predominantly oriented toward the European Union, remained resilient overall. Textiles, iron, and steel continued to lead exports, but electronics, autos, and processed foods featured more prominently. The Government made substantial progress toward international pipeline agreements to ship Caspian Basin oil and gas to world markets through the Caucasus and Turkey. Inflation was slightly higher than in 1998, and income disparities between the top and bottom population segments grew. Corruption in public procurement continued to be a focus of public attention.

Serious human rights abuses continued; however, the Ecevit Government adopted measures designed to improve human rights and some officials participated in a broad public debate on democracy and human rights. Extrajudicial killings continued, including deaths due to excessive force and deaths in detention due to torture. There were few reports of mystery killings and disappearances of political activists; however, the authorities failed to adequately investigate past disappearances. Torture, beatings, and other abuses by security forces remained widespread, at times resulting in deaths. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney and long detention periods for those held for political crimes are major factors in the commission of torture by police and other security forces. With the decrease in operations and detentions in the southeast, there were fewer reported cases of abuse; however, the proportion of cases in which abuse occurred remained at high levels.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. Investigations and trials of officials suspected of abuses continued to be protracted and inconclusive. Important cases dating back several years continued without resolution, including: Appeals in the cases of police officers charged with the 1996 death of journalist Metin Goktepe, 10 police officers from Manisa charged with torturing 16 persons in 1995, and action against police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996.

Prison conditions remained poor. In September armed clashes between prisoners and prison officials resulted in the killing of 10 prisoners. The police and Jandarma continued to use arbitrary arrest and detention. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSC's) reflect the legal structure, which protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated numerous publications and raided newspaper offices, encouraging self-censorship on reporting on the southeast. Security forces at times beat journalists. Police and the courts continued to limit freedom of expression by using restrictions in the 1982 Constitution and several laws, including the 1991 Anti-Terror Law (disseminating separatist propaganda), Article 159 of the Criminal Code (concerning insults to Parliament, the army, Republic, or judiciary), Article 160 (insulting the Turkish Republic), Article 169 (aiding an illegal organization), Article 312 (incitement to racial, ethnic or religious enmity), the Law to Protect Ataturk, and Article 16 of the Press Law. Parliament during the year passed two new laws, on combating criminal organizations and on prosecuting civil servants, that contain provisions allowing prosecutions for certain types of speech. Parliament in August also passed a law suspending for 3 years the sentences of writers and journalists convicted of crimes involving freedom of expression through the media. By the end of the year, at least 25 journalists, authors, or political party officials who had published articles were released, and as many as hundreds more had their trials halted. However, they are subject to reimprisonment if they commit a similar crime within a 3-year period. The Committee to Protect Journalists (CPJ) reported that at least 18 journalists nevertheless remained imprisoned at year's end compared with 25 in 1998. Human rights observers and some released writers criticized the suspension of sentences law because it did not apply to crimes committed through speech and because the conditions for the suspension amount to censorship.

Some members of the country's political elite, bureaucracy, military, and judiciary claim that the state is threatened by both "reactionaries" (Islamists) and "separatists" (Kurdish nationalists) and continued to call for concrete steps—many involving potential curbs on freedom of expression—to meet these threats. Prosecutors, courts, and the police continued to take actions against those accused of challenging the secular nature or unity of the state, generally on the basis of the constitutional restrictions on freedom of expression. Government pressure on the legal but pro-Kurdish People's Democracy Party (HADEP) continued. The authorities detained 47 HADEP members who led a hunger strike after PKK leader Abdullah Ocalan's November 1998 flight from Syria. Party leaders allege that many were tortured or beaten; all were released after several months' detention. HADEP politicians asserted that, especially before the April elections, they were the object of arbitrary arrests and harassment designed to hurt their election chances. Following the elections and a drop in PKK terrorist violence in the summer, government pressure on HADEP eased somewhat, although some HADEP officials still faced harassment, court cases, and hostility from some security officials. In December police raided HADEP party offices in seven provinces.

The National Security Council, a powerful, constitutionally mandated advisory body to the Government composed of equal numbers of senior military officers and civilian ministers, continued to urge the Government to offer no concessions in the fight against the perceived threat of radical Islam, described the armed forces as the constitutionally mandated "fist" protecting secularism, and accused Islamist media of extremism and undermining the State. However, following the killing of a prominent secular journalist in October, the military and political leadership resisted calls to crack down on Islamists. Istanbul mayor and prominent Islamist political leader Recep Tayyip Erdogan was released after serving 4½ months of a 10-month sentence for a 1998 conviction on charges of promoting religious enmity and threatening the unity of the state. He is banned permanently from politics.

Both the HADEP and the Islamist Fazilet parties, whose predecessors had been closed, were the subjects of closure cases during the year for alleged anticonstitutional activities. Both cases were pending at year's end, and elected officials of both parties remained in office in full exercise of their functions. The moderate pro-Kurdish Democratic Mass Party (DKP) was closed in February. Amendments passed by Parliament in August make it more difficult to prove allegations of anticonstitutional activities and close political parties.

The state of emergency governor, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, use of its language in election campaigning, education, broadcasting, and in some cultural activities, such as weddings. Printed material in Kurdish is legal. However, the police continue to interfere with the distribution of some newspapers, and the governor of the emergency region banned some Kurdish-language newspapers in that mainly Kurdish-speaking area. Kurdish music recordings are widely available, but bans on certain songs and singers persist. Radio and television broadcasts in Kurdish are illegal and in practice rarely occur, with the exception of a station that is widely believed to be broadcast from a military base. Some radio stations, especially in the southeast, play Kurdish music. The Government's broadcast

monitoring agency mostly tolerates this practice but has closed down some stations for playing politically oriented, banned Kurdish music.

The police and Jandarma continued to limit freedom of assembly and association. The police harassed, beat, abused, and detained a large number of demonstrators. For example the Saturday Mothers, who held weekly vigils in Istanbul for more than 3 years to protest the disappearances of their relatives, discontinued their gatherings in March in the face of ongoing police harassment, abuse, and detention of the group's members.

The Government continued to impose some restrictions on religious minorities and at times imposed some limits on freedom of movement. The Government continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir branch of the leading human rights nongovernmental organization (NGO), the Human Rights Association (HRA), remained closed; other NGO branches have been closed, temporarily or indefinitely, especially in the southeast. Former HRA president Akin Birdal was jailed in June on charges of inciting hatred and enmity in nonviolent statements he made about the Kurdish problem and torture, but in late September was released for 6 months on medical grounds. In December the Ankara State Security Court sentenced 10 persons, including a former Jandarma sergeant, and acquitted 6 others in the 1998 attempted murder of Birdal. There were some signs of a growing tolerance for human rights monitors, journalists, and lawyers: State Minister Irtemcelik and President Demirel met with NGO's, and the office of the HRA in Van reopened in October after being closed for 5 years.

Spousal abuse remains a serious problem, and discrimination against women persisted. Some abuse of children, discrimination against religious and ethnic minorities, and child labor remained serious problems. There are some restrictions on worker rights. Trafficking in women and girls to Turkey for the purpose of forced prostitution is a problem.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, located largely in the southeast, basic political, cultural, and linguistic rights. Past cases of extrajudicial killings went unsolved, and the police and Jandarma tortured civilians. The state of emergency authority abridged freedom of expression and put pressure on HADEP. The number of villagers forcibly evacuated from their homes since the conflict began is estimated credibly to be approximately 560,000.

In February the Government captured PKK leader Abdullah Ocalan. In June he was tried in a State Security Court on the charge of treason through trying to separate part of the country from government control (i.e., sedition) and sentenced to death. His sentence was upheld in November, and the case is pending before the European Court of Human Rights. Human rights observers, including the U.N. High Commissioner for Human Rights (UNHCHR), raised several due process concerns in the Ocalan case, including his initial 9 to 10 days of incommunicado detention, the limited access of Ocalan's lawyers to private consultations with their client and to written material included in the prosecution's case, and the harassment and threats directed toward Ocalan's lawyers. After his capture and trial, Ocalan called for PKK members to leave Turkey and commit themselves to a peaceful resolution of the Kurdish problem.

The new Ecevit Government adopted a series of initiatives during the year designed to improve human rights conditions. They included: Removing military judges from the State Security Courts; increasing maximum, although not minimum, sentences for torture or for falsifying a medical record to hide torture; calling for prosecutors to make unscheduled inspections of detention sites; making it more difficult to close political parties; suspending for 3 years the sentences or court cases of dozens of journalists and writers, provided they do not commit a similar offense; imposing a time limit on supervisors to decide whether civil servants, including security forces, can be prosecuted; and allowing prosecutors to begin immediately collecting evidence of alleged abuse by security officials.

Senior judicial figures, the President, other politicians, and private citizens participated in a wide-ranging public debate on amending the 1982, postmilitary coup-era Constitution in order to allow greater individual liberties. Due to major developments in the fight against PKK terrorism, public discussion of options for dealing with the Kurdish problem became more vigorous than ever. In October the State Minister for Human Rights convened a broad roundtable discussion with NGO's, professional associations, and parliamentary bodies.

The State Minister for Human Rights, who is also the coordinator for the High Council for Human Rights, and the Minister of Justice led the Government's effort to implement legislative and administrative reforms. The armed forces continued to emphasize human rights in training for its officers and noncommissioned officers.

Human rights groups attributed a general reduction in human rights violations by military personnel to this effort. Human rights education in primary schools is mandatory; it is an elective in high schools.

The PKK continued to commit abuses as part of its violent 15-year campaign against the Government and civilians, mostly Kurds. In the first half of the year, PKK terrorists committed random killings and attacks throughout Turkey to protest Ocalan's capture. Terrorist acts attributed to the PKK included a suicide bomb attack in Adana in July, which injured 17 persons, and an Istanbul department store bombing in March that killed 13 persons. Although there was a brief resurgence of PKK terrorist acts following the June sentencing of PKK leader Ocalan to death, a lower rate of PKK terrorist acts was recorded during the summer and fall than in the previous year. In recent years military pressure significantly reduced the PKK's effectiveness, and some PKK members—though not all—are heeding Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey. Violence declined to the point where the public's freedom to travel at night is no longer restricted in parts of the southeast.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Credible reports of political and extrajudicial killings by government authorities continued, although accurate figures were unavailable. The Human Rights Foundation (HRF) Documentation Center reported a number of deaths of detainees under suspicious circumstances, many as an apparent result of torture. There were at least 12 deaths in detention during the year, according to human rights organizations and press reports. In March trade unionist Suleyman Yeter died while in custody at the Istanbul security directorate political police center. According to the HRF, the official autopsy report states that he died "because of pressure on the neck" and that there were bone fractures and bruises. Yeter was a plaintiff in an ongoing trial of eight police officers who allegedly had tortured and raped detainees in 1997. In August two Van police officers allegedly kicked a 14-year-old street vendor to death; the autopsy revealed swelling around the child's brain and liver consistent with battery. No court case has been opened against the officers. Other cases in which security forces apparently committed extrajudicial killings include the death of an alleged narcotics trafficker under suspicious circumstances while in detention in Istanbul in September; the death in March, allegedly from torture, of villager Salih Karaaslan, near Sirnak; the alleged torture death of Alpaslan Yelden in Izmir in July, for which a police inspector was suspended pending investigation (and another inspector who testified in the case had been under suspension for a previous torture violation); and the death of a 16-year-old ordinary male prisoner, whose relatives said had resisted rape by prison guards. More than a dozen civilians were shot to death either after not heeding a "stop warning" during arrest or commission of a crime or in accidental shootings by police, Jandarma, and in four cases by the military. More than 40 persons—mainly children or military personnel—were killed by mines in the southeast. The courts undertook investigations of most alleged extrajudicial killings; only a few yielded concrete results.

Human rights monitors credibly reported that government forces used excessive force, sometimes resulting in deaths, during some raids on criminals or alleged terrorist and militant safe houses. A house raid in August in Izmir left three persons dead. In October the police in Adana entered the wrong apartment during a raid and shot occupant Murat Bektas to death in front of his wife and son. The police were unable to substantiate their charge that the man was armed. In January the Constitutional Court annulled for a year part of the 1996 Provincial Authority law allowing security officers to "fire directly and without hesitation" at persons who ignore a warning to stop. The Court's judgment requires that a new provision be passed within a year.

In September Jandarma killed 10 prisoners and seriously injured many others in Ankara's Central Prison during a clash following attempts by prison administrators to search and transfer some prisoners (see Section 1.c.).

In the 12 deaths in detention reported by human rights organizations and media reports during the year, 3 cases led to arrests or trials of police or other law enforcement personnel. The number of arrests and prosecutions in such cases remained low compared to the incidents of deaths in detention, and convictions remained rare. Punishments, when handed down, were generally minimal. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences

were all obstacles to resolving the problem of apparent security force impunity for such deaths.

In cases of extrajudicial killings by police, Jandarma or prison guards, at least 30 trials were begun during the year or continued from previous years, some relating to events back to 1991.

No investigation has been opened into the 1998 death in custody of 18-year-old HADEP member Hamit Cakar, who allegedly was beaten to death by Diyarbakir police during a raid on HADEP offices. An initial autopsy noted bruises on Cakar's body and blood in his lungs, consistent with battery. In January seven police officers charged in the 1998 death of an accused burglar in police custody in Gaziantep were released on bail and continue on active duty.

According to the Turkish National Police (TNP), no one is to be prosecuted in the case of the death in custody in 1997 of university student Burhanett Akdogu. According to the TNP, Akdogu committed suicide. Two State Security Court prosecutors agreed and found in June that there was no need for prosecution.

In May the Afyon Penal Court convicted six policemen and sentenced them to 7½ years' imprisonment for "unintentional murder/manslaughter" in the case of journalist Metin Goktepe, who was killed in 1996. It acquitted five others. The Goktepe family appealed the verdict and is pursuing a civil court case. Before the final trial session, families and friends of Goktepe attempted an unauthorized march to the court. The police blocked the demonstration, and rocks were thrown at the police, who then used their batons to drive the crowds back to their buses. Several persons were hurt, including Goktepe's mother and three police officers. Goktepe, a correspondent for the left-wing newspaper, Evrensel, died from wounds inflicted while in detention in Istanbul in 1996. Police initially denied that he was detained, then later said that he died from a fall. Following large public demonstrations and parliamentary criticism over the circumstances of his death, an investigation led to the arrest of 48 officers. In 1997 the courts decided to try separately 11 of the police officers for premeditated murder; 5 were convicted of manslaughter in 1998, while the remaining 6 were acquitted. However, the Court of Appeals subsequently overturned both the convictions and the acquittals and sent the case back to the Afyon court. The other 37 officers, who were charged with excessive use of force in controlling the demonstration, were acquitted due to lack of evidence, because the court could not determine which police officers may have beaten detainees and which did not. The detainees have asked for an appeal, but no court date has been set.

The trial of 29 Jandarma soldiers and 36 antiterror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir continued throughout the year. A separate case against prison officials exists; for this case, indictments (for excessive use of force) were based only on identifications by wounded prisoners of who injured them. Two-thirds of the indictments were dismissed, since the slain prisoners could not identify their own killers.

The trial continued of 20 police officers who used lethal force during 1995 incidents that led to the deaths of 19 people in Gazi, Istanbul; one police officer is under arrest in the case. The trial continued in Istanbul of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu. A suspect was arrested in 1998 for the 1993 killing of journalist Ugur Mumcu. The suspect's court case is proceeding. In the 1995 killing of Sinan Demirtas, one police officer was convicted and sentenced to 14 years' imprisonment and seven others were acquitted in November 1998. There were no developments in the 1994 killing of Faik Candan and the 1992 killing of Yucel Ozen.

In June six Aydin police officers, including the deputy security director and the antiterrorism department director, were convicted of torturing student Baki Erdogan to death in police custody in 1993, given 5½-year sentences, and barred from public service for life. The ruling came during a retrial of the case, after an appellate court in December 1998 had overturned the original convictions.

In December the Istanbul Penal Court found five antiterror police guilty of the death of five persons during a 1993 raid on a coffee house. The court sentenced them to death but then used a variety of provisions of the Penal Code to reduce the sentence to 3 years, 10 months, and 20 days in prison.

The European Court of Human Rights in May found that Turkey had violated the right to life of an individual who was killed in a 1990 security force operation in Siirt province and that the state had failed to undertake an effective investigation of the case. In July the Court also found that Turkey had violated an individual's right to life and right to an effective remedy by failing to conduct an effective investigation into his 1993 murder but did not conclude that the man had been killed by security forces or with their connivance.

In the southeast, mystery killings, especially politically motivated killings in which the assailant's identity is unknown, decreased significantly since 1995 and remained at relatively low levels during 1999; exact statistics are unavailable. There were no reported mystery killings of high-profile, pro-Kurdish figures in the southeast, and few reported killings of pro-Kurdish politicians, journalists, or lawyers. The HRA reports a nationwide total of 212 unsolved killings, including killings for apolitical reasons or attributed to terrorism. In August two Sirnak village guards were found with multiple bullet wounds, cigarette burns, and broken necks and limbs. The victims' relatives said that the bodies were found in an area where security forces were operating and alleged that the two were killed on orders of the local Jandarma. In September a HADEP official in Adana was shot and killed by two unidentified assailants; while the motive was unclear, HADEP does not believe that there is a political connection. In October a prominent secular journalist was killed by a bomb in front of his home in Ankara, presumably by a terrorist organization.

The PKK continued to commit politically motivated killings, primarily in rural southeast Anatolia. Victims included soldiers, state officials such as Jandarma, state-paid paramilitary village guards and family members, young villagers who refused to be recruited, and PKK guerrillas-turned-informants. According to the Government, during the year 220 security officials and 118 civilians died in terrorist incidents, and 961 PKK members were killed by security forces (see Section 1.g.). These figures show a decline from 1998, when 243 soldiers and Jandarma, 10 police officers, 114 village guards, and 132 civilians were killed.

The PKK has not murdered any teachers since 1996. Bomb attacks attributed to the PKK in the first half of the year took the lives of dozens of persons; one such attack occurred in a crowded shopping area in Istanbul in March and killed 13 civilians. Although there was a brief resurgence of PKK terrorist acts following the June sentencing of PKK leader Ocalan to death, a lower rate of PKK terrorist acts was recorded during the summer and fall than in the previous year.

Turkish Hizbullah, an Islamist terrorist group (not related to Lebanese Hizballah), continued to target civilians in the southeast and may be responsible for many mystery killings, including prominent Islamist feminist Konca Kuris. The Government attributed 17 murders during the year to Hizbullah. Some human rights monitors in the southeast accused the Government of arming and supporting the group in the 1980's to target the PKK and its sympathizers. It now generally is believed that Hizbullah has operated autonomously since the mid-1990's.

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP–C) and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism. In June two DHKP–C militants were killed in a shoot-out with police while attempting to launch a rocket attack in Istanbul. One of the militants was identified as being responsible for previous attacks and several police deaths.

b. *Disappearance.*—Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or law enforcement officials, are hard to confirm. However, the HRF notes that the number of such disappearances increased slightly to 36 in 1999, compared with 29 in 1998 and 66 in 1997. In September Aydin Esmer disappeared as he was returning to his home in Kulp, Diyarbakir province, from Kizilagac village in Mus province, according to Amnesty International (AI). AI noted that a military operation took place in the area the same day. Esmer had been detained and allegedly tortured at the Kulp Jandarma station several times since 1993. In November Omer Cinar disappeared after leaving his workplace in the Gunesli district of Istanbul; the authorities told his family that he was not in custody, according to Human Rights Watch (HRW).

There have been no developments in the 1998 disappearances from Izmir of editors Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal. Neither the 1997 disappearances of Ilyas Eren and 73-year-old Fikri Ozgen, allegedly taken into custody by plainclothes police, nor the 1996 case in which at least five bodies were found near Baharli, were resolved. However, according to the HRA, Burhan Aktas, who disappeared in 1997, was determined to be living in Germany.

The European Court of Human Rights in July ruled against Turkey in the case of Ahmet Cakici, who disappeared in 1993 after being taken into custody by security forces and tortured during an unacknowledged detention. The Court found that Turkey had violated Cakici's right to life, subjected him to torture, and deprived him of his rights to liberty and to an effective remedy, the latter by failing to conduct an effective investigation.

In the face of persistent police harassment and abuse, the "Saturday Mothers" stopped meeting publicly in March (see Section 2.b.). The group, primarily women, had gathered for several years to protest the disappearance of their relatives.

The Government made efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation

of Missing Persons, which is open 24 hours a day. During the year 59 applications were filed seeking information on missing persons. Of these, seven persons were located, an additional two were determined to be in prison, and two were found dead. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the government office. AI criticizes the Bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards. The Ankara police operate a telephone number through which the public can obtain information about detainees, gun registration, and other police-related matters.

The U.N. Working Group on Enforced or Involuntary Disappearances, reporting on its September 1998 visit, noted that the total number of disappearance cases was relatively low, and had decreased since 1994. The report cautioned that its assessment did not exclude the possibility of security force involvement, and it urged the Government to improve the practices of its security forces. The report noted that most disappearances followed arrests in homes and detentions that were denied by authorities and that some disappearances occurred during raids conducted by Jandarma or village guards. The report recommended that the Government fully implement measures to address promptly allegations concerning disappearances, reduce the number of disappearances, and eliminate impunity. In particular it recommended amending regulations concerning pretrial and incommunicado detention in cases referred to the State Security Courts in order to ensure the right of all detainees to have prompt access to their families and lawyers.

The PKK has made a practice of kidnaping young men or threatening their families as part of its recruiting effort. These activities and abductions by PKK terrorists of local villagers and state officials were becoming less frequent as the PKK's capabilities in the southeast were reduced by ongoing government military pressure and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in Turkey.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and new government initiatives designed to address the problem, torture continues to be widespread.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by police. The HRF estimates the number of credible applications for torture at its five national treatment centers to be approximately 700 in 1999, compared with 673 in 1998. They believe that these numbers underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile. Although the percentage of detainees subjected to torture remained about the same as in 1998, several advocates reported a reduction in the number of torture victims in the southeast during the year. They attribute the decrease to fewer detentions; reduced PKK violence, which has eased treatment by security officials; better-educated security officers; and increased concern about the problem from many sources. The reductions do not appear to be uniform throughout the region. Human rights monitors report no improvement in some provinces, while others note a decrease around cities but not in more rural areas of the province. All report that torture remains widespread in the southeast.

Human rights monitors report that because the arresting officer is responsible for interrogating the suspect, some officers may resort to torture to obtain a confession that would justify the arrest. They say that police who resort to such practices generally beat detainees for ordinary crimes who do not confess and stop if they cannot get a confession. However, when beatings of suspects detained under the Anti-Terror Law do not produce information and confessions, interrogators shift to electric shock, cold water from high-pressure hoses, and other methods. Observers say that security officials often use the torture of political detainees simply to express anger and to intimidate the detainees.

Human rights monitors say that security officials increasingly use methods that do not leave physical traces, such as beating with weighted bags instead of clubs or fists. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles

of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees often are touched, insulted, and threatened with rape. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing torture, being driven to the countryside for a mock execution, threats to detainees or their family members, and insults.

The U.N. Special Rapporteur for Torture conducted investigations at the invitation of the Government in late 1998. He reported that while torture was practiced systematically and on a widespread scale through the mid-1990's, there were "notable improvements" since 1997. These improvements were due in his opinion to shorter periods of incommunicado detention and less brutal torture methods used in some places, such as less use of falaka, electric shocks, and rape, possibly connected with shorter periods of detention in 1997 and 1998. However, he noted that torture and abuse still are practiced by law enforcement officials—pervasively in numerous places around the country—but that the Government was committed to improving its record and bringing its law enforcement and administration of justice up to international standards. He found that long periods of incommunicado detention and a climate of impunity among law enforcement officials—two elements under the Government's control—continued to contribute to the use of torture.

Allegations of torture throughout the country continued during the year, but mostly in the southeast. In October Dr. Zeki Uzun, a gynecologist who volunteers with the HRF Izmir Treatment and Rehabilitation Center, was taken into custody during a raid on his private clinic by antiterror police. Uzun allegedly was subjected to beatings, near suffocation, death threats, and other methods of torture during his 6 days in custody. Although the Medical Association provided an alternative medical report establishing that torture was inflicted on Uzun, the official medical report provided after his detention stated that he was not subjected to torture. According to the HRF, the official medical report was given to Uzun without a medical examination. Uzun is accused of supporting and providing treatment to members of terrorist organizations. In public statements, the HRF and the Izmir Chamber of Doctors asserted that Uzun's reports documenting torture were the reason for his arrest and torture. They also said that the police inspected and took patient records from his office.

In October nine persons, two under the age of 18, were detained for "distributing aid material without permission" in the region devastated by the recent earthquake and allegedly tortured. In June many of approximately 50 villagers detained by Jandarma in Kahraman Maras province said that they were tortured, severely beaten, forced to eat human excrement, suspended by their arms tied behind their backs, and sprayed with pressurized water, according to AI. Charges were filed against 32 of the villagers for supporting the PKK and 1 was charged with PKK membership; 17 were released. In Sirnak 27 persons stated that they were tortured in July while detained after house raids; the doctor who substantiated their claims allegedly was threatened by Jandarma to give a report of "good health", even though some of the detainees had broken arms. Cevat Soysal, a high-ranking member of the PKK, was captured in July in Moldova. He claimed that he was subjected to electric shock, forced to lie naked on ice, sprayed with cold pressurized water, and deprived of sleep when brought to Turkey; he is seeking redress at the European Court of Human Rights. HADEP official Mazaffer Cinar was interrogated in incommunicado detention for 8 days at Siirt police headquarters on suspicion of supporting the PKK. According to HRW, he said that he was beaten, his testicles were pulled, he was suspended by his arms, he was hosed with cold pressurized water, and his wife was threatened with rape. Filiz Celik, charged with being a member of the PKK, reportedly was tortured in detention while pregnant; in July her baby was born dead in an Istanbul prison. In August 22-year-old Medine Oncel jumped out of a window rather than be taken into detention again by the antiterror police; her family claims that she was severely beaten and sexually abused during her 10-day stay at a detention center in November 1998. Oncel, along with numerous members of HADEP, was detained for participating in a hunger strike in support of Ocalan.

Government officials admit that torture occurs, but deny that it is systematic. The Ecevit Government, which took office in June, made preventing acts of torture a priority. In August Parliament passed legislation lengthening sentences for those con-

victed of torture from 5 to a maximum of 8 years; however, the measure did not increase minimum sentences. The Government in August adopted a program of seminars by NGO's and government institutions on human rights. The program targets all civil servants with law enforcement responsibilities, as well as social workers and primary and secondary school students. The Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT) and accepted unannounced visits by the CPT, most recently in February when it visited PKK leader Ocalan in prison.

Regulations on detention and arrest procedures introduced in October 1998 were supplemented by a June directive from Prime Minister Ecevit against torture, which reminded security forces of the new code and called for public prosecutors to make unscheduled inspections of places of detention. The Prime Minister asked for reports every 3 months on this process; these reports are not public. According to the Government, prosecutors have made more than a thousand visits to detention sites, resulting in investigations against 14 security officers and the opening of court cases against 6 of them. Provincial prosecutors began unannounced inspections of police stations in October. Although some provincial authorities said that the inspections uncovered no deficiencies, others admitted that they led to improvements in practices in some provinces. Some human rights observers question prosecutors' ability to influence police practices.

Private attorneys and human rights monitors report uneven implementation of 1997 reforms granting immediate access by attorneys to those arrested for common crimes and access after 4 days of detention for those detained under the Anti-Terror Law. No immediate access to an attorney is provided for under the law for persons whose cases fall under the jurisdiction of the State Security Courts, such as persons charged with drug trafficking, smuggling, and crimes under the Anti-Terror law. The lack of early access to an attorney is a major factor in the occurrence of torture by police and security forces.

State-employed doctors give all medical exams for detainees. The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release. However, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees assert that some medical examinations take place too long after the event to reveal any definitive evidence of torture. Lawyers contend that medical reports—their only basis for filing a claim of torture—are not placed regularly in prisoners' files.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. According to the Medical Association and other human rights observers, the presence of a security officer—at times the one allegedly responsible for torture—can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred. In one case during the year the courts accepted alternative medical reports from private doctors that contradicted official claims that torture did not occur.

New legislation passed in August increased the jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The heaviest penalties are for those who supply false reports for money. In practice there are few such prosecutions.

In June the Supreme Honor Board of the Medical Doctors Union suspended for a month the licenses of six doctors from the Tekirdag region near Istanbul after finding that they had falsified reports to conceal evidence of torture and allowed police officers to be present during examinations. In 1998 the nongovernmental Medical Association suspended the license of Dr. Nur Birgen, a government-employed forensic expert, for twice falsifying medical reports to hide evidence of torture. When another doctor appealed to Dr. Birgen's state employer to implement the suspension, the prosecutors opened a case against him for insulting Dr. Birgen. Dr. Cumhur Akpinar was acquitted in December of charges, filed in January, that he aided an illegal armed organization by preparing exaggerated forensic reports. In March Dr. Eda Guven was acquitted of abuse of duty after issuing medical reports documenting injuries sustained by two detainees interrogated in 1997 by Jandarma in Aydin province; her acquittal was upheld by the Court of Appeals in May.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare. According to the U.N. Special Rapporteur for Torture, very few allegations lead to prosecution, and few prosecutions lead to conviction. He reported that in Istanbul, for example, from 1996 to 1998 the chief public prosecutor brought 245 cases of torture or mistreatment by security forces,

which resulted in only 15 convictions, with the longest sentence being 3 years. Nationally, between 1995 and 1997, 313 police officers were prosecuted for torture; as of the end of 1998 there were no convictions, over half had been released, and the other cases were pending. Accused officers usually remain on duty pending a decision, which can take years.

According to the Government, judicial action taken during the year against police charged with torture or mistreatment resulted in 34 convictions, 164 acquittals, and 48 ongoing prosecutions. Administrative decisions determined that no trial was needed in 146 other cases and that no cases needed to be opened against 55 other officers accused of abuse. During the year 708 police also were given administrative punishments, such as suspensions, for torture or mistreatment. In addition 11 Jandarma were prosecuted during the year, resulting in 3 convictions, 6 acquittals, and 2 ongoing trials. During the past 5 years, two military personnel have been prosecuted for torture; one was acquitted, and the trial of the other individual continued.

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignore their claims of abuse during interrogation; prosecutors often belittle such claims or contend that detainees injure themselves to accuse falsely the security forces.

Legal, administrative, and bureaucratic barriers impede prosecutions and contribute to the low number of convictions for torture. The Government in December replaced an Ottoman-era civil servant prosecution law, which was widely viewed as an extrajudicial obstacle to prosecuting security officials for the abuse of power because it required prosecutors to obtain permission from special provincial administrative boards before initiating prosecutions against any public employee for actions while carrying out official duties. The boards were slow, dispersed accountability, and were perceived as not sufficiently transparent. The new law now authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials. It also establishes a 30-day deadline, with a possible 15-day extension, for a civil servant's supervisor to decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). However, the new law still protects civil servants, including police or prison guards, from direct prosecution unless their superiors grant permission to investigate them. This provision has been widely criticized. Many jurists, including the Chief Justice of the Supreme Court of Appeals, and human rights observers said that the new law still falls short of the needed reform. The new law also allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on "enmity, hatred or slandering." This provision was used in December against a defense lawyer who stated that a medical record confirmed that security officials tortured his client (see Section 4).

Under the Criminal Procedures Law, prosecutors may initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges. Finally, in the state of emergency regions, any lawsuit directed at government authorities must be approved by the state of emergency governor. Approval is rare.

In December the Iskenderun, Hatay, chief public prosecutor, citing lack of evidence, dropped charges against two Iskenderun antiterror police accused of sexually harassing, raping with a truncheon, and torturing two female high school students while they were in police custody in March. There were several medical reports issued in the highly publicized case, but only an informal medical assessment by two doctors indicated torture. The girls' attorneys said that they would appeal the decision.

In Elazig the public prosecutor decided against indicting 30 soldiers and warders for allegedly torturing a prisoner in 1998.

The appeal by police officers of their 1-year suspended sentences for torturing Songul Yildiz in 1997 continues in Istanbul. However, her conviction on charges of PKK membership was overturned by the Court of Appeals; the Istanbul SSC is retrying her case. In the case of Hatun Temizalp, who alleged in a State Security Court that she was tortured in detention in 1997, the TNP antiterror department said that administrative investigations of the police found no cause for bringing charges.

The Government provided additional information on the case of then 2½-year-old Azat Tokmak, who the Istanbul Chamber of Doctors certified in April 1998 was tortured in 1996. The Fatih prosecutor's office, citing a medical report that found no

indication of mistreatment when Azat was brought to an Istanbul nursery, decided in July 1998 that there was not sufficient evidence to pursue the case.

A case began in April against 12 policemen accused of torturing "peace train" detainees in 1997 (see Section 4).

The following torture cases remained unresolved. In June the Court of Appeals General Council overturned the second acquittal verdict of 10 policemen, including one police chief, charged with torturing 14 teenagers in Manisa in 1995; they based this decision on another Court of Appeals decision. The appellate court again found that the students had exhibited evidence of physical and psychological torture while under detention. In November the Court of Appeals Chief Prosecutor turned down the police officers' application for a review of that judgment, and the Supreme Court sent the case back for retrial. The Manisa court in December held a preliminary hearing in the retrial, but postponed the main hearing until February 2000 in order to record the testimonies of the police officers, who remain on active duty. Responding to a written question from Parliament, the Interior Minister in the summer defended the police officers accused in the case and said that the investigation at the time showed that they were "flawless." At the same time, the students' own case continues in Izmir, after the Court of Appeals overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students originally were acquitted. The Medical Doctor's Union Central Council Supreme Honorary Board suspended 10 doctors from practicing for from 3 to 6 months, on the grounds that they had provided false medical reports on the Manisa victims.

In February the Court of Appeals overturned the conviction and life sentence of Gulderen Baran who, along with four other individuals, was arrested in 1995 in Istanbul on charges of membership in a terrorist organization. Baran sustained serious physical damage to her arms while in police custody, and four police officers subsequently were charged for mistreatment. Two police officers were sentenced in 1997 to 10 months in prison and a 2-month ban from public service. There were no known developments in the cases of the police officers.

There were no developments in the cases of Kelekcier, Altinbas, Uzuner, and Kartal.

Police regularly harass, beat, and abuse demonstrators (see Section 2.b.). Police also harass, beat, and abuse journalists (see Section 2.a.).

Prison conditions remain poor. With some exceptions (i.e., for high-profile political prisoners, or those with gang connections) prisons remain plagued by overcrowding, underfunding, and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults sometimes are incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Prisons are run on the ward system. In some cases, prisoners with similar ideological views are incarcerated together and indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. Past efforts to introduce a restrictive cell system were criticized by prisoners, attorneys, and human rights groups alike, who view the ward system as a more humane form of incarceration.

In September Jandarma killed 10 prisoners and seriously injured many others in Ankara's Central Prison during a clash following attempts by the administration to search and transfer some prisoners from a ward run by Dev-Sol and TIKKO adherents. Prisoners throughout the country briefly protested, holding hostages and refusing to be counted. Human rights lawyers alleged that forensic reports show that prisoners were shot at close range. In December inmates and security forces violently clashed in Metris Prison in Istanbul, after Jandarma tried to search and transfer some members of the Islamic Great East Raiders Front to another prison. Throughout the year, many small-scale hunger strikes broke out to protest prison conditions and poor treatment by guards at many institutions.

Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial. The Parliament's Human Rights Commission completed a thorough review in 1998 of prison conditions throughout the country; however, before the report could be published the Commission's composition changed after the April elections. The Commission is reviewing its report, providing updated, comparative data, and plans to present it to Parliament.

The Government permits prison visits by international organizations, such as the European Committee to Prevent Torture and the U.N. Special Rapporteur on Torture, but only rarely allows such visits by members of local NGO's, except in their capacity as lawyers. It denied permission to some officials of foreign governments to visit prisons during the year.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice legal experts assert that the authorities do not always respect these provisions, and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access by an attorney. The lack of early access by an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's nearly automatic permission, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. The October 1998 regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour detention monitoring bureaus that are required to record detentions on computers, but AI reports an increase in unregistered detentions since 1997. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence. The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials.

On several occasions, the police beat and detained peaceful demonstrators (see Sections 1.c. and 2.b.). The police also beat and detained journalists (see Sections 1.c. and 2.a.) and members of political parties (see Section 3). During a September protest over prison conditions, officers beat the chair of Istanbul's HRA branch (see Section 4). Authorities detained 47 HADEP members who led a hunger strike after Ocalan's November 1998 flight from Syria. Twenty men were detained in October when they joined women in a peaceful protest over the rule banning head coverings at universities (see Section 2.c.). During the November summit of the Organization for Security and Cooperation in Europe (OSCE) in Istanbul, police detained for several hours at least five young children and held them in police headquarters in contravention of the law, which requires that all detained children be transferred immediately to the prosecutor's office.

The Government does not use forced external exile. It retains the authority to authorize internal exile (see Section 2.d.).

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various officials acknowledge the need for legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and National Security Council periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. Some observers assert that the composition of the High Council undermines the independence of the judiciary, despite the Constitutional provision for security of tenure, because the High Council effectively controls the career paths of judges through appointments, transfers, promotions, and other matters, and its decisions are not subject to review. Various government and judicial officials during the year discussed the need to adopt legislative changes to strengthen the independence of the judiciary.

The judicial system is composed of general law courts, military courts, the State Security Courts (SSC's), and a Constitutional Court, the nation's highest court. The High Court of Appeals hears appeals for criminal cases, including SSC's, while the Council of State hears appeals of administrative cases or those between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers would be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft. The editor in chief of the radical Islamist newspaper Akit, Murat Balibey, who was sentenced in July 1998 by a military court to 14 months imprisonment for "insulting the military" in a newspaper article, was released in September under the law allowing the suspension of sentences for journalists.

SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the state." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and section 312 of the Criminal Code. Human rights observers cite prosecutions of leaders of the political Islamic movement, nonviolent political leaders associated with the Kurdish issue, and persons who criticize the Government's practices as evidence that the SSC's often serve a primarily political purpose.

Until mid-1999, the SSC's were composed of panels of five members: Two civilian judges, one military judge, and two prosecutors. A 1998 ruling by the European Court of Human Rights found that the presence of a military justice on the SSC's was inconsistent with relevant European conventions. In June the Government amended the Constitution and passed legislation to replace the military judge with a civilian judge. These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the High Court of Appeals dealing with crimes against state security.

In February the Government brought PKK leader Abdullah Ocalan to Turkey to stand trial for treason, as the creator of a separatist terrorist organization responsible for over 30,000 deaths. He stood trial in a special sitting of the Ankara State Security Court on the secure prison island of Imrali. Ocalan was held in incommunicado detention for 9 to 10 days before the trial. His lawyers were not allowed adequate access to private consultations with their client or to pertinent documents. They also complained that they were harassed and that police abused at least six of them after one court session, an allegation the police denied. The trial was the subject of unprecedented public attention, and foreign observers, including diplomats and some members of NGO's, were allowed to attend. Families of those killed by the PKK and their attorneys also attended. Ocalan was allowed to read uninterrupted and lengthy statements in his defense. In June Ocalan was sentenced to

death. His sentence was upheld in November by the Court of Appeals, and the Court of Appeals chief prosecutor in December refused to reconsider it. Carrying out the death sentence still requires action and approval by the Justice Ministry, the Council of Ministers, Parliament, and the President. After the appellate court ruling in November, the European Court of Human Rights (ECHR) asked the Government to take all necessary steps to ensure that the death penalty is not carried out before the Court is able to complete its judicial processes; Ocalan's case is pending before the ECHR.

The trial of 25 Diyarbakir lawyers charged in 1993 and 1994 for aiding and abetting the PKK, and in a few cases with membership in a terrorist organization, continued at the Diyarbakir SSC. The defendants, 16 of whom complained of torture and mistreatment while held in incommunicado detention after their arrests, are free pending trial. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and for calling attention to human rights violations in the southeast.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts.

Defense lawyers do not have equal status with prosecutors. In State Security Courts and for other charges, such as insulting the President or "defaming Turkish citizenship," defense attorneys may be denied access to files that the state asserts deal with national intelligence or security matters. Attorneys defending controversial cases have been subject to spurious legal charges, such as accusations that they are couriers for clients who are alleged terrorists. Hasan Dogan, a respected Malatya attorney who frequently defends suspects in SSC cases, was acquitted in March of all 1997 charges by an informer that he was a member of the PKK or assisted the organization; however, the appeals court reversed his acquittal in December, and he awaits sentencing.

Prosecutors are charged with determining which law has been broken and objectively presenting the facts to the court. There is no jury system; a judge or a panel of judges decides all cases. Trials for political crimes or torture frequently last for months or years, with one or two hearings scheduled each month. Proceedings against security officials often are delayed because officers do not submit promptly statements or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations.

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. An Izmir Bar Association study showed that in practice, only a tiny percentage of defendants have lawyers. Bar associations in large cities, such as Istanbul, have attorneys on call 24 hours a day. Costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities. Legal proceedings are conducted solely in Turkish with some interpreting available; however, some defendants whose native language is not Turkish may be disadvantaged seriously.

Turkey recognizes the jurisdiction of the European Court of Human Rights. In 1999 Turkey lost all 18 cases in which it was a party, most of which pertained to free expression crimes that occurred in the early 1990's, and was fined nearly $3 million (1.69 trillion lira).

There is no reliable estimate of the number of political prisoners. The Government claims that alleged political prisoners are in fact security detainees, who were convicted of being members of, or assisting, the PKK or other terrorist organizations.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected in practice outside the state of emergency region. If delay may cause harm to the case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special obser-

vation by the security directorate general, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels. A new law against gangs includes a provision allowing for wider legal wiretapping. The law states that a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor can grant permission. The wiretap can last only 3 months, with two possible extensions of 3 months each.

In the provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintains that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Six provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks in the southeast decreased.

With the diminution of PKK terrorism, the formerly widespread practice of evacuating villages to prevent their giving aid to the PKK decreased substantially, although some village evacuations continued (see Section 1.g.).

Some elements of society complain that a ban on the wearing of religious head coverings in government offices, other state-run facilities, and universities interfered with citizens' religious observance (see Sections 2.b. and 2.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians, mainly Kurds whom the PKK accuses of cooperating with the state. The police, the Jandarma, village guards, and the armed forces in turn have waged an intense campaign to suppress PKK terrorism, targeting active PKK units as well as persons they believe support or sympathize with the PKK. In the process, both government forces and PKK terrorists committed human rights abuses against each other and against noncombatants. According to President Demirel's year-end address, since 1984, 25,139 PKK members, 5,882 security force members, and 5,424 civilians lost their lives in the fighting.

In an effort to deny the PKK logistical support, the Jandarma during the year occasionally rationed food and other essentials in some rural areas in the emergency region. Security forces returned to evacuated villages and burned homes, to deny them to the PKK, and have shot livestock, burned forests and orchards, or denied villagers permission to harvest fields.

With the waning of PKK activity in the southeast, security forces evacuated fewer villages than in previous years. The Government's stated purposes for the evacuations were to protect civilians or prevent PKK guerrillas from obtaining logistical support from the inhabitants. Villagers and other observers alleged that the security forces evacuated them for refusing to participate in the paramilitary village guard program.

The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown. Human rights NGO's tend to attribute most rural-urban migration to evacuations, whereas some persons move to escape the violence or conflict-caused economic depression, or to pursue opportunities in western cities. Government statistics tend to minimize the number of persons who left against their will. Observers agree that 3,000 to 4,000 villages and hamlets have been depopulated. The Government reported that through 1999 the total number of those evacuated was 362,915 persons, from 3,236 villages and hamlets, of whom 26,481 have been resettled with government assistance in 176 villages and hamlets. Another 61,987 have applied to return. A figure given by a former Member of Parliament from the region—560,000—appears to be the most credible estimate of those forcibly evacuated. However, observers in the region estimate that the total number of displaced persons is approximately 800,000, and a few NGO's put the number as high as 2 million. A parliamentary committee investigated the situation in the southeast and concluded in 1998 that, among other things, the State was partly responsible for the displacements and that it had failed to adequately compensate villagers who had lost their homes and lands in the region. The European Court of Human Rights often ruled in favor of villagers who sued over forcible evacuations, and the Government continued to pay assessed damages. The major urban center of Diyarbakir has nearly tripled in size over 10 years, adding nearly 600,000 new residents. Regional officials report that flows of migrants nearly stopped during the year due to waning PKK activity in the countryside.

Government programs to deal with and compensate the forcibly evacuated villagers remain inadequate, as is assistance to those who have resettled in urban

areas. Many migrants continue to live in overcrowded, unhealthful conditions with little opportunity for employment. Local and provincial officials made some efforts to address the basic needs of migrants. In several provinces, officials provided looms for use by unemployed women. The Government then purchased the women's rugs for resale on the open market. The Government provides literacy, childcare, basic family health care, and vocational training classes for some displaced women.

The Government noted that some displaced persons chose to resettle in urban areas and are receiving assistance there. There is a government-funded "emergency support program" to expedite resettlement in the southeast. The funds are used for rebuilding houses and roads, as well as for animal husbandry and beekeeping programs.

Credible allegations were made that serious abuses by security forces during the course of operations against the PKK continued. The Government organizes, arms, and pays a civil defense force in the region known as the village guards. In principle local villagers' participation in this paramilitary militia is voluntary, but in practice they often have been caught between the two sides. If the villagers agree to serve, the PKK may target them and their villages. If the villagers refuse to participate, government security forces may forcibly evacuate their villages on security grounds or not allow them to return to their villages after evacuations. Village guards have a reputation for being the least trained and disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation have contributed to this problem. There were credible allegations of Jandarma protecting village guards from prosecution for various crimes. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses.

The Government's state of emergency, renewed in Diyarbakir, Hakkari, Sirnak, Tunceli, and Van provinces for 4 months in November, imposes stringent security measures in those five southeastern provinces. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree provides for doubling the sentences of those convicted of "cooperating with separatists." Informants and convicted persons who cooperate with the State may receive rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

In August Parliament passed legislation allowing members of terrorist organizations (and criminal gangs) to apply over a 6-month period for amnesty or reductions in sentences, as long as they provide useful information that helps lead to the dissolution of the organization. The number of persons who applied for the amnesty is estimated to be at least 500, most of whom already were in prison, although exact figures are not available. According to press reports, many of the applicants have obtained reductions in their sentences or release.

Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces, and as many as 80 to 100 in Diyarbakir. In the state of emergency region, 450 schools have been closed, although none were closed during the year. Past PKK policies, such as murdering village teachers, exacerbated the situation (see Section 1.a.). Although the Government continues to build boarding schools in the region's larger towns, these new schools have not filled the gap. Despite a longstanding tradition of boarding schools in the rural areas of the country, some ethnic Kurdish leaders expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation.

Turkish ground forces with air support conducted several operations during the year in northern Iraq against the PKK. The Turkish Government maintained that it targeted only PKK fighters in northern Iraq and that it respected the right of civilians in these operations. The Kurdistan Democratic Party cooperated with the Turkish Government in shutting down PKK facilities in northern Iraq. Local observers in northern Iraq, including NGO and other foreign humanitarian workers, reported no incidents of collateral damage or civilian casualties from these operations.

The PKK suffered severe setbacks during the year, especially following the arrest, forced return to Turkey, and trial of its leader Abdullah Ocalan, and his subsequent death sentence. After his arrest and incarceration in February, the PKK carried out repeated suicide bomb attacks throughout the country; these included a suicide bomb attack in Adana in July, which injured 17 persons, and an Istanbul department store bombing that killed 13 persons. PKK attacks against civilians, military, and law enforcement personnel in the southeast continued but declined in number. There was a lower rate of PKK terrorist acts during the summer and fall than in

the previous year. The PKK claimed that it was withdrawing from the conflict and would take a nonviolent path to political change. The evidence was not conclusive that a PKK withdrawal from Turkey had occurred; reports indicated that while some PKK members heeded Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey, others did not. The authorities disputed that a meaningful withdrawal was underway.

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 continued to limit these freedoms. The Constitution leaves open the possibility of restrictions to these freedoms on the basis of national security-related considerations, and the Criminal Code provides penalties for those who "insult the President, the Parliament, and the Army." Numerous other provisions in various laws restrict freedom of expression to one degree or another: Those most frequently employed include Article 8 of the Anti-Terror Law (disseminating separatist propaganda) and Article 312 of the Criminal Code (incitement to racial or ethnic enmity). In addition prosecutors rely on Article 159 of the Criminal Code (concerning insults to Parliament, the army, Republic, or judiciary), Article 60 (insulting the Turkish Republic), Article 169 (aiding an illegal terrorist organization), the law to protect Ataturk (no. 5816), and Article 16 of the Press Law to limit freedom of expression. The new law enacted to counter criminal organizations includes an article that permits the prosecution of journalists for "promoting" the activities of criminal organizations, and the new civil servant prosecution law includes an article allowing prosecutions against those who falsely accuse public employees based on "enmity, hatred or slandering." While prosecutors bring dozens of such cases to court each year, judges dismiss many charges brought under these laws.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, are widely available. While overall readership of the local press is not large for a country of 65 million inhabitants, the newspaper business is extremely competitive.

Electronic media reach nearly every adult, and their influence, particularly that of television, is correspondingly great. According to the Government's Directorate General of Press and Information, in addition to the state-owned Turkish Radio and Television Corporation, there are 230 local, 15 regional, and 20 national private television stations, and 1,044 local, 108 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. Internet use is growing and faces no government restrictions; in fact, some banned newspapers can be accessed freely on the Internet. Government censorship of foreign periodicals is very rare.

In September the Government passed legislation suspending for 3 years the sentences of those convicted of freedom of expression crimes in the media, such as journalists, writers, and party officials who published articles. The Islamist opposition party Fazilet challenged the constitutionality of the law, because it did not apply to those who committed similar crimes through speech. Esber Yagmurdereli, for example, remained imprisoned because his conviction in 1998 was for a speech he gave at a 1991 HRA meeting. The law led to the release of over 25 persons, and the suspension of hundreds of trials. Charges are dropped if the journalist or writer does not commit the same crime again during the 3-year period; if a second offense is committed during this time, the suspension is revoked. Human rights advocates are concerned that the conditions for the suspension amount to censorship. Although the suspension of ongoing trials prevents new convictions, some journalists and writers objected to the fact that it also prevents possible acquittals, so they have no opportunity to clear their name or to fight bans imposed on their written work.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish. The High Board of Radio and Television (RTUK), created in 1994 to regulate private television and radio frequencies, monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures.

The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. Throughout the year, the RTUK penalized at least a dozen different television stations, usually by suspending their broadcasts for a day, for non-

compliance with broadcast regulations. Channel 6, which criticized the Government's response to the devastating August 17 earthquake, was given a week's suspension on the grounds that its reports hurt confidence in, and fueled anger against, the State. This decision is under appeal, and the suspension had not yet occurred by year's end. RTUK decisions may be appealed to the provincial Administrative Court and then to the Council of State. The RTUK suspended a comparable number of radio broadcasters, for periods ranging from 1 day to 1 year, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The radio station FOREKS was banned from broadcasting for 30 days for relaying a May British Broadcasting Corporation program on Kurdish issues. Reporters Sans Frontieres reported that 2,378 days of suspension were imposed on broadcasters during the year.

Despite the Government's restrictions, the media criticize government leaders and policies daily. Lively debates on human rights and government policies were stimulated by several events, including Constitutional Court President Sezer's call in March for lifting restrictions on freedom of expression, including on language rights; Appeal Court President Selcuk's observation in September that the Constitution enjoyed "almost zero" legitimacy and should be replaced; the implications of the February capture of Ocalan for resolving the Kurdish issue; the Government's response to the August earthquake; and the European Union's designation of Turkey as a candidate member in December. Nevertheless, persons who write or speak out on highly sensitive topics, such as the role of religion in politics and society, the role of the military, some Kurdish issues, or the PKK, risk prosecution.

Government Decree 430 gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, led to the self-censorship of news reporting on some issues. Some journalists say that there was less self-censorship by reporters and editors on sensitive issues than in the previous year, and the nature of debate on such issues as the Kurdish question and changing the Constitution appeared to support this assessment.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. For example Nadire Mater's well-received book based on interviews of soldiers who fought in the southeast was banned in June. In September the Government began a trial against Mater and her publisher on charges that they insulted the military with their book. Prosecutors closed numerous journals or suspended their operations during the year. For example the Istanbul SSC stopped the printing of Ozgur Gelecek for a month in June and confiscated an edition of the Islamist paper Akit for "provoking enmity and hatred against the state" in September. The police frequently raid offices of small leftist publications. The leftwing newspaper Evrensel was banned in January, and the pro-Kurdish Ozgur Bakis was banned in April, within the state of emergency region, although it was available elsewhere in the country and via the Internet. Distributors of Evrensel and Ozgur Bakis outside the state of emergency region claim regular harassment and the confiscation of their newspapers by the police. In April the governor of Siirt province closed the local weekly Guney for printing material offensive to the dignity of the State.

In a highly publicized ruling in May, the Istanbul State Security Court sentenced Cumhuriyet columnist Oral Calislar to 13 months in jail for disseminating separatist propaganda in a book he wrote based on previously published interviews of Ocalan and Kemal Burkey, head of the Socialist Party of Kurdistan. Calislar planned to appeal. His sentence was suspended under the September law suspending sentences.

Andrew Finkel, a contributor to several Western media outlets and a former columnist for Sabah, was charged in June with "insulting the military" for a 1998 article he wrote for Sabah. The charge stemmed from one line that contrasted the army with an "army of occupation." Finkel's trial was suspended under the September law; Finkel publicly objected to being deprived of the opportunity to clear his name.

An appellate court in December upheld the sentences against 9 persons, including some students, who in 1996 unfurled banners in Parliament saying, "No to Tuition." They were convicted of membership in an illegal organization and given sentences ranging from 10 months to 8 years.

Journalists, including those from mainstream and Western media, were harassed periodically and subjected to police abuse while covering stories, particularly in the southeast. In February in Diyarbakir eight motorcycle police officers beat a cameraman for the mainstream NTV television station until he was unconscious. The police

beat the cameraman and one other journalist with gun butts and ran over them with motorcycles. Earlier in the month a correspondent for Reuters was expelled from Diyarbakir. In April police in Istanbul beat with rifle butts three reporters from the daily Star, who were covering street skirmishes. In June police in Mardin province briefly detained a Turkish correspondent for several western media outlets. In September several police officers hit a photojournalist with the daily Radikal who was covering a banned demonstration in Istanbul. During the November review conference of the OSCE in Istanbul, several journalists working at leftist or pro-Kurdish publications were detained either from the premises of their publications or as they left the conference. Some of them alleged mistreatment at the hands of police.

In December Hasan Guzel, head of the small Rebirth Party and an outspoken former Education Minister, began serving a 1-year sentence for inciting religious and ethnic enmity based on a controversial 1997 speech.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints. HADEP political candidates were not allowed to enter certain areas of the state of emergency region during the election campaign, nor allowed to use Kurdish music.

Abdurrahman Dilipak, a veteran columnist with the Islamist daily, Akit, faced multiple new charges during the year for articles criticizing the Government's policy, especially on religious head coverings and the alleged activities of a military group that reportedly monitors political Islam in Turkey.

Former Chairman of the HRA Akin Birdal, jailed in June for free expression crimes, was released in September from prison for 6 months on medical grounds but faces other charges related to previous speeches (see Section 4). Erol Yarar, former chairman of the Islamist Businessmen's Association of Independent Industrialists and Businessmen (MUSIAD), was convicted in April of promoting racial, ethnic, and religious enmity (Article 312 of the Penal Code) for a speech he made in October 1997. His 1-year sentence and fine were suspended for 5 years.

Imprisoned since 1993, author Ismail Besikci was released in September under the law suspending the sentences of journalists. His 79-year sentence on over 50 charges was based on his articles on Kurdish issues. He faced at least 50 more similar charges, some of which may be subject to suspension.

Poet Yilmaz Odabasi, released from prison in September under the law suspending sentences, was sent back to prison in December for "insulting the court." During the hearing that led to his earlier imprisonment, he told the court "I am ashamed to be in the same era and country as you." Since that statement was not made in the media, he cannot benefit from the suspension of sentences law again.

Haluk Gerger served 10 months in prison in 1998 for an article published in the pro-Kurdish Ozgur Gundem and is now out of the country but faces imprisonment for two other convictions for similar articles. Can Yucel, sentenced to over 1 year's imprisonment for "insulting the President," died in September. Editorial cartoonist Dogan Guzel was sentenced to 16 months' imprisonment in 1998 for insulting the state and armed forces but was released in September under the law suspending sentences.

The 10-month sentences of Sanar Yurdatapan, a well-known musician and spokesman for freedom of expression, and two other members of a "peace working group," for insulting the military, were reversed by the Court of Appeals. Two other trials, based on articles Yurdatapan wrote about the military were suspended.

Istanbul Mayor Recep Tayyip Erdogan was released from prison in July after serving his 4½-month sentence for a speech he made in 1997 that was deemed to have "incited ethnic, racial, and religious enmity," based on Article 312 of the Penal Code. His sentence, which was reduced from 10 months, includes a lifetime ban from politics.

Some HADEP members, including three religion experts, convicted of writing articles in a 1997 edition of the HADEP bulletin that incited "racial, ethnic, and religious enmity," were released under the law suspending sentences of journalists. Others remain in jail. Imprisoned former Democratic Party (DEP) Member of Parliament Leyla Zana's conviction on this charge was suspended under the same law, but she continues to serve a 15-year term for another conviction. Dozens of similar cases against former DEP Chairman Hatip Dicle (a fellow prisoner with Zana) for writing articles were suspended; however, he remains in prison serving terms for other convictions.

Former political science professor Yalcin Kucuk, arrested in 1998 when he returned from self-imposed exile, remains in jail on charges of belonging to an illegal organization; several cases against him continue. Many other convictions for crimes committed through publication were suspended under the September law, including the sentences of novelist Yasar Kemal, convicted in 1995, and 1,080 writers who supported him.

Dogu Perincek, chairman of the Workers' Party, served 11 months in prison on a sentence for illegal possession of classified state documents, assisting a terrorist organization, and possession of unlicensed firearms. By law he had to resign his political position as chair of the Labor Party but was reelected during the year. He now faces two other convictions, a 1-year imprisonment for a 1994 speech delivered at the HRA general convention and a fine for slandering former Prime Minister Tansu Ciller. In December a prosecutor dropped charges against Perincek for "assisting a terrorist organization."

Playwright Mehmet Vahi Yazar, who was sentenced in 1998 to 24 years in prison for "insulting the military," was retried and his sentence was reduced to 11 years; the sentences of the four actors who performed his play were changed to 5 years, but they all were released in consideration of time served. The suspended sentence and fine imposed on a publisher and translator for Pencere Publishing who published a Turkish translation of a controversial German book were upheld. Journalist Ragip Duran was released in January after serving a sentence related to an article he wrote.

A total of 114 intellectuals and human rights activists were sentenced in April to a year in prison each, on charges of "separatist propaganda," for signing a 1993 declaration calling for a peaceful solution to the Kurdish conflict, according to the Anatolian and Reuters news agencies.

Kurdish-language cassettes and publications are available commercially, although the periodic banning of particular cassettes or singers continued. Human rights monitors reported isolated cases of police detention of singers and others at weddings where Kurdish music was played. The Economist magazine reported that police detained Ali Aktas, a popular Kurdish folk singer, in September after he sang Kurdish songs at a concert to benefit earthquake victims. He was interrogated for 10 hours at Diyarbakir police headquarters and accused of singing political songs, which he denied. The Kurdish-language weekly Azadiya Welate still is banned in the state of emergency region, and some 10 other publications were available only on an infrequent basis. Potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. Kurdish music is played on radio and television programs with certain restrictions. Which Kurdish songs can be played in the emergency zone and adjacent areas is regulated closely. The state of emergency regional governor frequently bans Kurdish recordings that may be played legally elsewhere in the country. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems. Kurdish music was banned from use in campaigning during the election period.

Pro-PKK MED–TV was banned in the United Kingdom after pro-Ocalan terrorist incidents in Europe. Its successor, MEDYA–TV, broadcasts in Kurdish from Europe and can be received via satellite dish in the southeast. Another station, Kurdistan-TV, is based in northern Iraq and also can be received via satellite in the southeast.

In July the European Court of Human Rights ruled on 13 cases dealing with freedom of expression cases in which the plaintiffs were jailed or fined for books, articles, or statements that they wrote or published on mainly Kurdish issues. The plaintiffs were convicted in those cases either for "inciting ethnic hatred" or "disseminating propaganda against the indivisibility of the state" or, in one case, for "revealing the identity of officials responsible for combating terrorism." The Court found that the Government violated the applicants' right to freedom of expression in 11 of these 13 cases; denied applicants in 9 cases the right to have their cases heard by an independent and impartial tribunal because of the presence of military judges on the State Security Courts; and in 1 case violated the prohibition against no punishment without law. In a separate ruling in September, the ECHR found that the government violated a publisher's freedom of expression in 1989 when it convicted him of "inciting ethnic hatred" by publishing the second edition of a book entitled, "A Testimony to Life—Diary of a Death Under Torture."

A group of Turkish and Kurdish academics, politicians, and intellectuals (TOSAV) continued to hold discussions on the situation of the Kurds and possible solutions to Turkey's problems. Despite minor police attention, TOSAV explored explicitly nonviolent solutions within a democratic context. The authorities completed an inconclusive investigation of TOSAV for potential "separatist" connections and in March confiscated TOSAV's publication entitled "Document of Mutual Understanding."

The Mesopotamian Cultural Center, a corporation established to promote Kurdish language and culture, continued limited operations despite a lack of official permission. Officials alleged that the organization is linked to the PKK. The group's cen-

ters in the southeast (Diyarbakir, Urfa, and Van) were shut down, while its centers elsewhere remained open but with very reduced activities.

Although the Kurdish Culture and Research Foundation (Kurt-Kav) remained open, it was not allowed to resume Kurdish-language classes and remained under close police attention. Its current projects include scholarships for students to study Kurdish in Sweden and return to teach Kurdish in Turkey.

Academic freedom otherwise generally is respected; however, there is believed to be some self-censorship on sensitive topics.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. The authorities may deny permission if they believe that a gathering is likely to disrupt public order. Significant prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

In March the Saturday Mothers group decided to discontinue its weekly public gatherings in Istanbul due to police harassment and abuse. Since May 1995, the group, primarily women, held weekly vigils in which they read press announcements about relatives who inexplicably disappeared. Starting in August 1998 the police responded aggressively to each week's gathering by detaining and, on multiple occasions, beating participants. The group stated that such treatment continued through March. The police stated that the group demonstrated illegally for 3 years and that members of illegal organizations had infiltrated the gatherings (see Section 1.b.).

Demonstrations over the right to wear Islamic-style head coverings while studying at state universities turned violent in May at Malatya's Inonu University; over 50 persons, including several police officers, were injured. Charges of attempting to change the constitutional order by force were brought against 51 persons; the maximum penalty is death. Their trial and those of 24 others in connection with the incident began in June (also see Section 2.c.).

In March 2,474 participants in celebrations of the Kurdish holiday of Nevruz were detained in 11 provinces; the authorities announced ahead of time that most Nevruz celebrations would not be allowed. The HRA reported that approximately 200 persons were injured, including several police officers. In contrast to previous years, events on "World Peace Day" (September 1) were low-key and largely peaceful, with minimal police interference.

A week after the September killings of prisoners in Ankara prison, the police detained and beat a group trying to read a press statement in a public place in Istanbul. Among the detainees were the president of the HRF Istanbul branch and relatives of the dead prisoners. The next day, several dozen persons attempting to send telegrams to the President, Prime Minister, and Minister of Justice to protest the prison deaths were beaten and then detained briefly. Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center, and Gunseli Kaya, who also works at the center, were among 68 persons being tried for "holding an unauthorized demonstration" for participating in the funeral procession of one of the prisoners killed in September. Ayan, Kaya, and 12 others were being held in detention pending their trials. Dr. Veli Lok, another representative of the Izmir HRF, made a statement in October that the purpose of the prosecutions of his colleagues might be to punish them for documenting torture and treating torture victims. He is being prosecuted under the Press Law for "disclosing opinions about the decisions of remand by the courts."

In October "Mothers for Peace" delegations coming from Diyarbakir, Istanbul, Izmir, and Antalya were stopped by the police outside Ankara and turned back, according to the HRF.

During the November OSCE summit in Istanbul, antiriot police beat, with truncheons and fists, and kicked 10 university students who attempted to read a press statement critical of the summit. One student told HRW that the beating grew worse on a minibus used to transport the detainees to the antiterror branch of the Besiktas police headquarters. The students are being prosecuted for holding an illegal demonstration. In a separate event during the summit, police forcibly dispersed a crowd that gathered to present a joint press statement prepared by human rights organizations and labor unions. Of 115 persons detained during the gathering and later released, 112 were charged with organizing and participating in an illegal demonstration.

Six school children, between the ages of 12 and 14, went on trial in December in Istanbul for holding an "unauthorized demonstration" in 1998. The children held a sign that said "We Want Teachers" during a rally after no teachers came to school that day and previous days.

In December police using truncheons forcibly dispersed a demonstration organized in Diyarbakir to mark the 51st anniversary of the Universal Declaration of Human Rights. Two days later police in Istanbul, Konya, Kocaeli, Urfa, Erzurum, Kirikkale,

Samsun, and Bursa disrupted a "human chain" demonstration and detained as many as 300 participants.

The Security Administration in November issued a directive calling on police to keep the use of force in dispersing demonstrations to a minimum.

The Constitution provides for freedom of association, but associations and foundations must submit their charters for government approval, a lengthy and cumbersome process. The European Court of Human Rights in December found that the Government violated the right to freedom of association of the former members of the Freedom and Democracy Party (OZDEP), which was dissolved in 1993 (see Section 3).

c. *Freedom of Religion.*—The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas, and the Government generally observed these provisions in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities.

The Government oversees religious facilities and education through its Directorate of Religious Affairs ("Diyanet"). Religious officials, including imams, are civil servants, and the operation of the country's more than 70,000 mosques is regulated by the Directorate of Religious Affairs. Religious minorities, established under the Lausanne Treaty in 1923, and their affiliated churches, monasteries, and religious schools are regulated by a separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu). The "Vakiflar," an institution dating back to the Ottoman Empire, approves the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages.

The population is about 99 percent Muslim, primarily Sunni. In addition to the country's Sunni majority, an estimated 12 million Alawis (an offshoot of Shi'a Islam) freely practice their faith and build "Cem Houses" (Alawi places of worship). Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis also charge that there is a Sunni bias in the Religious Affairs Directorate and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, some Sunni Islamic political activists charge that the secular state favors and is under the influence of the Alawis. The Government periodically allocates funds to the Alawi community as well as funding Sunni activities. However, there are no government-salaried Alawi religious leaders, in contrast to Sunni religious leaders.

The military and judiciary, with support from the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 3).

Tarikats (Sufi religious orders) and other mystical Sunni Islamic, quasi-religious, and social orders were banned in the 1920's but largely were tolerated until the 1997 call by the National Security Council for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. In January five members of the Aczimendi Brotherhood were convicted and imprisoned for criticizing the secular state and advocating the imposition of Shari'a law. However, despite the expressions of concern by official bodies such as the National Security Council, prominent political and social leaders remain associated with Tarikats.

Although the country is secular, religious and moral instruction in state primary and secondary schools is compulsory for Muslims. Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the 1923 Lausanne Treaty (Greek, Armenian, and Jewish) are exempted by law from Muslim religious instruction; they may hold their own classes. Syriac and other Christians whom the Government does not consider to be an official Lausanne Treaty minority are not exempted. Non-Muslim students who wish to attend such courses may do so with parental consent.

In accordance with a 1997 law, which made 8 years of secular education compulsory, new enrollments in the first 8 years of the Islamic imam-Hatip schools (in existence since 1950) were stopped, although children already in those classes were allowed to finish their grades. The imam-Hatip schools were very popular among conservative and Islamist Turks as an alternative to secular public education. Under the law, students may pursue study at imam-Hatip high schools upon completion of 8 years in the secular public schools. Students who complete primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran classes.

By law religious services may take place only in designated places of worship. Non-Muslim religious services often take place in nondesignated places of worship. The Roman Catholic Church in Ankara, for example, is confined to diplomatic property but has not sought property to construct a church recently.

Minority religions considered by the Government not to be recognized under the Lausanne Treaty may not acquire additional property for churches (beyond those predating the establishment of modern Turkey). Religions recognized by the Government under the Lausanne Treaty (Greek Orthodox, Armenian Christian, and Jewish) can regain lost property if there is a community need, but if they cannot maintain existing property, it may revert to the Vakiflar. Government authorities do not interfere in matters of doctrine pertaining to minority religions, nor do they restrict the publication or use of religious literature. While the Government does not recognize the ecumenical nature of the Greek Orthodox Patriarch, it acknowledges him as head of the Turkish Greek Orthodox community and does not interfere with his travels or other ecumenical activities.

Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to religious facilities. Restoration or construction may be carried out in buildings and monuments considered to be "ancient" only with authorization of the Regional Board on the Protection of Cultural and National Wealth.

In February 1998, the Syriac Christian community and government officials reached an understanding that the Syriacs could resume renovation of the Dayrul Umur monastery in Midyat in compliance with government standards for preservation of historical sites. Authorities had halted the renovation in 1997. In April the Syriac Christians received written government approval of their technical plans for the renovation, which was well under way at year's end.

Under the law, religious buildings that become "extinct" (because of prolonged absence of clergy or lay persons to staff local religious councils or for lack of adherents) revert to government possession. Some non-Muslim minorities, particularly the Greek Orthodox community and, to a lesser extent, the Jewish community, the Armenian Orthodox community, and the shrinking Syriac Christian community have lost the use of houses of worship and other facilities. During the year an Armenian Church in Hatay province was deemed by authorities to be no longer in community use and is to revert to the Vakiflar. If such minorities can demonstrate a renewed community need, they may apply legally to recover such properties.

The authorities monitor the activities of Eastern Orthodox Churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently expressed interest in reopening the seminary on the Island on Halki in the Sea of Marmara. The seminary has been closed since 1971 when the state nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. However, coreligionists from outside the country have been permitted to assume leadership positions.

There are no known estimates of the number and religious affiliation of foreign missionaries in the country. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, especially when such activities are deemed to have political overtones. No law explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. The police sometimes arrest proselytizers for disturbing the peace; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily. In September members of a group of Protestant worshipers in Izmir were detained and released without charges for leading an unlicensed church service in a private apartment; a similar incident occurred in Istanbul in October.

Some Turkish Christians state that they encounter harassment from authorities and society because they have converted to Christianity.

Several human rights monitors and members of the Islamist Virtue Party (Fazilet) complained that the Government increasingly enforced a 50-year-old ban on the wearing of religious head garments in government offices and other state-run facilities. Hundreds of women who wear head coverings have lost their jobs in the public sector as nurses and teachers. During the year 312 teachers, including 180 student teachers, lost their jobs for wearing head coverings. Women who wear head coverings also have been prohibited from registering for university courses since 1998, and 47 professors and university administrators were dismissed for wearing or supporting the wearing of head garments. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. Cases related to such dismissals are pending at the European Court of Human Rights.

Hundreds of persons were detained or arrested for organizing protests at the beginning of the school year against the prohibition against wearing head coverings. For example a May demonstration protesting Inonu University's ban on headscarves

drew thousands of protesters and turned violent, resulting in more than 200 arrests; several police officers were injured. In June 75 defendants went on trial in the Malatya SSC for protesting Inonu University's ban on headscarves: 51 defendants, including 4 women, faced the death penalty on charges of attempting to change the constitutional order by force; 54 of the 75 defendants, including some who face the death penalty, are free pending the outcome of the trial. The charges stem from the May riots (see Section 2.b.).

The case of Merve Kavakci, a newly elected Member of Parliament from the Fazilet Party who sought unsuccessfully to be sworn in to Parliament on May 2 wearing an Islamist-style headscarf, highlighted the continuing dispute over the ban on religious-style clothing in official settings. Prime Minister Bulent Ecevit, President Demirel, and the National Security Council criticized her actions as a challenge to the secular State. The mainstream press was also critical, but the Islamist-oriented media defended her actions. The personal controversy over Kavakci's right to wear a headscarf in Parliament became largely moot after Kavakci was stripped of Turkish citizenship for failing to notify authorities that she had acquired a foreign nationality. She subsequently lost her parliamentary privileges, although not her elective office since Parliament did not vote to remove her. At year's end the case remained open to legal review, and the general issue of headscarves in Parliament remains unresolved.

In May the Government filed an indictment seeking the closure of the Islamist Fazilet Party (see Section 3).

Although religious affiliation is listed on national identity cards, there is no official discrimination.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continues to improve in the southeast, security officials decreased use of roadblocks and vehicle and passenger searches.

In October the Government did not allow a group of demonstrators to enter Ankara (see Section 2.b.).

Although there has been no legal internal exile for 12 years, since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 14 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." During the year, the governor transferred civil servants who were seen as a threat to security, civil servants engaged in union activities, and doctors reporting torture. In October, for example, 37 members of the teachers' union Egitim-Sen in Batman province reportedly were deported from the province on orders of the governor. The union's members in southeastern provinces frequently are alleged to be involved in subversive activities. The national chairman of HADEP was prevented from entering the emergency region during the party's preelection campaign season, and some other HADEP officials were prevented from entering certain villages.

Turkey hosts an estimated 16 persons from Russia and 5 from the former Yugoslavia who are given residence permits on grounds of temporary refuge, with no resettlement provided by the Government. An additional estimated 1,671 persons from Bosnia-Herzegovina and 384 from Kosovo are granted a special temporary "guest" status. Because there are no visa requirements, thousands of Iranians remain in Turkey for extended periods.

When Turkey ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which has the force of domestic law, it exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted subsequently the geographic limit of its treaty obligation, since 1994 the Government grants temporary asylum to all those recognized as refugees. The government screens applicants for asylum and refers cases it considers bona fide to the U.N. High Commissioner for Refugees. If the UNHCR believes that a non-European asylum-seeker meets refugee criteria, the case is submitted to other countries for resettlement. European refugees are given temporary residence permits, renewable until they achieve a permanent status.

Furthermore, the UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented

after 15 days. There were 6,605 asylum seekers during the year; the authorities rejected the asylum applications of some 809 persons.

A regulation obliges asylum seekers to apply within 10 days (changed from 5 in early 1999) of arrival and submit proof of identity in order to be eligible. The time limit for registration in the Government's asylum program is implemented strictly and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. During the year, no refugees were returned to a country where they feared persecution, compared with 15 in 1998 and continuing a steady decline since 1995; the number of asylum seekers returned decreased from 49 in 1998 to 46, according to the UNHCR. The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." In 1998 the UNHCR considered that there were 83 refugees not registered with the Government; as of the end of 1999 there were approximately 80. The UNHCR and government authorities continue to work to resolve this problem and to find ways to allow such cases to qualify for the Government's asylum program.

If they comply with the asylum regulation's requirements, asylum seekers are registered by the government and processed for eligibility determination. Since 1997 administrative courts have ruled that failure to submit an asylum claim within a fixed time limit could not be a reason not to address the application or grant asylum. The UNHCR has no information on discrimination by the Government on the basis of nationality. The UNHCR maintains a branch office in Ankara and field offices in Istanbul, Silopi, Van, and Agri.

The mass influx of nearly 18,000 Kosovars during the year was deemed to come under the 1994 asylum regulation. The Government allowed Kosovars to enter the country freely and de facto has allowed them "first asylum"—to stay until they repatriate or resettle voluntarily. It established and operated a temporary refugee camp for about half of those who came. Almost all Kosovars left by the end of the year. The Government worked to prevent similar mass influxes from Iraq but allows some individuals and families to settle in or transit Turkey en route to permanent resettlement in Europe.

The UNHCR held inconclusive talks with the Government aimed at improving reception for refugees at the Iraqi border, to ensure that those who cross the border have access to the asylum process. Beginning in September 1998, approximately 50 to 60 officials received UNHCR-sponsored training in Antalya, Ankara, and Van, and some participants went on study trips to Canada and Spain. The UNHCR works with local partners such as the Turkish Red Crescent Society; the Association for Solidarity with Asylum Seekers and Migrants; and the Anatolian Development Foundation to integrate refugees into society.

Turkey continues to be a transit and departure point for illegal migrants and asylum seekers of various nationalities en route to Europe, who travel in small groups utilizing land routes, boats and ships.

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. Turkey has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them minuscule), 5 of which are represented in Parliament. Parliament elects the President as head of state every 7 years or when the incumbent becomes incapacitated or dies.

In addition to these bodies, in accordance with the Constitution, the National Security Council (NSC), which includes both military and civilian government leaders, plays a significant role in shaping government policy.

The Government neither coerces nor forbids membership in any political organization; however, the Chief Public Prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The Chief Public Prosecutor opened cases to close two significant parties, Fazilet and HADEP, alleging that they were centers of illegal activities.

In January the Government filed a motion with the Constitutional Court to close HADEP. The Chief Public Prosecutor accused HADEP of threatening the unity of the Turkish State, saying that it was controlled by the PKK. The closure could lead to the banning of some HADEP leaders from politics. The case was pending before the Constitutional Court at year's end. In August Parliament amended the political parties law to establish a higher standard of proof in such closure cases.

Government pressure against HADEP continued. HADEP party officials claim that actions by the Government, in particular the state of emergency region gov-

ernor, hindered HADEP rallies and activities in the period leading up to the April parliamentary elections and restricted HADEP's ability to reach its constituents. According to HADEP, the governor communicated his decision to cancel permission for a large rally in Diyarbakir 20 minutes before the rally was due to begin, leading to mass confusion and the detention of hundreds of supporters. HADEP's national chair was prevented from entering the mainly Kurdish state of emergency region during the election period, and some HADEP officials were barred from entering certain villages during that period (see also Section 2.d.). Following the elections and a drop in PKK terrorist violence in the summer, government pressure on HADEP eased somewhat: Some HADEP rallies were allowed to proceed without police interference, the HADEP national president was allowed to tour the southeast, HADEP mayors were allowed to perform their official duties without interference, and an Ankara State Security Court lifted restrictions on travel abroad against three HADEP mayors. However, some officials still faced harassment, court cases and hostility from some security officials. The year ended with police raids on HADEP offices in seven provinces. Some HADEP officials have been barred for years from international travel.

The military and judiciary, with support from the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic. In June the National Security Council urged the new Government to offer no concessions in the fight against the perceived threat of radical Islam. The chief of the armed forces General Staff in September made a public statement criticizing Islamist media portrayals of the armed forces as hostile to religion and describing the armed forces as the constitutionally mandated "fist" protecting secularism.

In May the Government filed an indictment seeking closure of the Islamist Fazilet Party for promoting antisecular activity and for representing the ideologies of the banned Refah Party. The indictment also calls for banning Fazilet's leaders from politics for 5 years and stripping its Members of Parliament of their seats. The case was pending before the Constitutional Court at year's end.

Islamist leader Fethullah Gulen came under intense scrutiny and investigation for allegedly plotting to take over the Government after video recordings of a speech he gave were broadcast in June on television. Prominent Islamist political leader Recep Tayyip Erdogan, former mayor of Istanbul, was released from prison in July (see Section 2.a.), although he remains banned from politics for life. In March an Ankara SSC prosecutor filed charges against a group of Islamist politicians, many of whom were members of the Refah Party, which was banned in 1998. They were charged with attempting to impose a "religious order" in contravention of article 146.1 of the Penal Code (forcibly trying to change the constitutional order); the charges carry the death penalty. The case continued at year's end.

The Democratic Mass Party (DKP) was closed in February by the Constitutional Court on the grounds that its party program, which defends Kurdish rights, included provisions "against the indivisible integrity of the State." The case was brought by the Chief Public Prosecutor. Since the decision had not yet been published officially by year's end, party members were in legal limbo and could not form join another party.

The European Court of Human Rights in December found that the Government had violated the right to freedom of association of the former members of the Freedom and Democracy Party (OZDEP), which was dissolved in 1993, less than a year after it was founded, on the grounds that its program sought to undermine the territorial integrity and secular nature of the State (see Section 2.b.).

Reports continued of corruption and the abuse of power in the security forces, including ties with illegal organizations. The previous Yilmaz government publicly committed to investigate corruption; however, its failure to make tangible progress was criticized. Trials linked to these charges began in 1998, involving former Interior Minister Mehmet Agar and Member of Parliament Sedat Bucak, but were halted in April when both were elected to the new Parliament and gained automatic legal immunity (which had been lifted by the previous Parliament).

There are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically; however, women are underrepresented seriously in government and politics: there are only 22 women in the 550-seat Parliament. There are no female ministers in Prime Minister Ecevit's 35-member cabinet and no female governors.

There are no legal restrictions on political activity by minorities; however, some minorities are underrepresented in government and politics.

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

The nongovernmental Human Rights Association has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the Human Rights Foundation, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO's include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, human rights centers at a number of universities, and Mazlum-Der, the Organization of Human Rights and Solidarity for Oppressed Peoples, which especially monitors Islamist issues.

The HRA's Diyarbakir branch remains closed for the third successive year. The HRA's Mardin branch was ordered closed for 3 months in January and the Gaziantep branch for 3 months in July. Its branches in Bursa, Sanliurfa and Van reopened, and the HRA also opened three new offices. Authorities indefinitely closed Mazlum-Der's Sanliurfa and Malatya branches in January and May, respectively. The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, remains closed.

Despite the outreach of key government officials to the NGO community, human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to be harassed, particularly by security officials, for their legitimate activities. The Government used detention, prosecution, intimidation, harassment, and formal closure orders against human rights monitors. In June police raided the headquarters, branch offices, homes, and offices of the leadership of Mazlum-Der. According to Mazlum-Der, the searches were carried out under an Interior Ministry search warrant on the grounds that the NGO "works against the republican regime." Its headquarters were searched again in August, and its bank accounts frozen, on the grounds that it was collecting aid illegally for earthquake victims.

The harassment of lawyers involved in political cases in the southeast remained at approximately the same level as in 1998, but was substantially lower than in the mid-1990s, primarily because of the increased number of attorneys willing to defend politically sensitive cases and greater mutual support within the profession. Harassment by the security apparatus is less frequent and the methods used are less extreme. Several defense lawyers have noted that some judges and prosecutors are playing a positive role in trying to protect attorneys from harassment. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, there were several cases in which attorneys were charged with various offenses (such as acting as couriers for members of illegal organizations or insulting government officials), detained, searched, or threatened. In Elazig a case was opened in December against an attorney after he publicly stated that a medical report showed that his client had been tortured by security officials. The case was opened under a provision of the new civil servants prosecution law, which prohibits making false accusations against public employees based on "enmity, hatred or slandering."

After review, in September the Diyarbakir SSC repeated its previous decision to convict Dr. Seyfettin Kizilkan, the former president of the southeast Chamber of Doctors and director of Diyarbakir's largest state hospital, for "assisting and sheltering an illegal organization" after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that the police planted the evidence; he remains free pending an appeal of the verdict. The case against Dr. Zeki Uzun, accused of aiding illegal organizations by providing medical reports and treatment, continued at year's end. Dr. Cumhur Akpinar was acquitted in December on similar charges (see Section 1.c.).

Former HRA Chairman Akin Birdal was jailed in June on a conviction for inciting hatred and enmity in a 1996 public statement. In September, citing medical reasons stemming from injuries Birdal sustained during a May 1998 attempt on his life, the Government suspended Birdal's sentence for 6 months and released him for that period; however, Birdal faces many other charges. In February a Bursa penal court acquitted him of charges of "insulting the army" during a television appearance in 1997. In April the Court of Appeals upheld a guilty verdict against Birdal, but in December a prosecutor dropped charges against him for "assisting a terrorist organization." In a separate ruling in December, the Diyarbakir SCC acquitted Birdal and several other HRA officials for "disseminating separatist propaganda" in connection with speeches they made in 1996. The SSC prosecutor appealed the verdict. Birdal still is required to serve 10 months for two other confirmed convictions.

In December the Ankara SSC sentenced 10 persons and acquitted 6 others in the attempted murder of Birdal. A former Jandarma sergeant, the presumed ringleader, and one other man accused of ordering and organizing the attack both received 19-year sentences. The two men who fired at Birdal received sentences of 19 and 12 years respectively, and two others received 19- and 10-year sentences for establishing a gang (the "Turkish Vengeance Brigade") to commit the crime. Two more persons, who were convicted of weapons charges and gang activities, received sentences of 9 years and 20 months respectively, while two others received 10-month suspended sentences.

Police failed to protect HRA Chairman Husnu Ondul in November when he was attacked in his office by 30 to 40 members of a group known as the "Families of the Martyrs," mainly relatives of soldiers who died in the conflict with the PKK. Ondul called out to police officers waiting outside the offices for help, but the officers replied that they would need permission from their superiors to intervene. An officer posted inside the HRA offices (since the attack on Birdal) said he telephoned for help but could not do anything against such a large crowd.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993–94 with "aiding and abetting the PKK" and "membership in an illegal terror organization." No credible evidence has been presented in 6 years. Other allegations in the indictment include legal behavior such as filing a petition with the European Commission of Human Rights. Sixteen of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers are free pending trial. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast.

All seven members of the Diyarbakir branch of the HRA were acquitted in May of charges that they aided the PKK. The trial, which began in 1995, focused mainly on the publication of the booklet "Emergency Situation—1992."

Legal proceedings against some of the organizers of the September 1997 "Musa Anter peace train" ended in 1998, when the organizers were acquitted. A case against 12 policemen accused of torturing peace train detainees began in April.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance in an effort to intimidate those they meet, although legitimate protection concerns were also an important consideration. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations, although officials representing foreign governments were denied permission for such visits.

The State Minister for Human Rights, as chair of the High Council for Human Rights, continued to investigate human rights abuses and to reach out to NGO and community leaders. The Council, composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries (along with representatives of the security forces), met regularly to review the human rights situation, advise the Government on steps for improvement, and draft appropriate legislation. In September State Minister for Human Rights Irtemcelik met with the head of the Human Rights Foundation and then organized a wider meeting in October with human rights groups, professional organizations, and the parliamentary bodies that make up the High Council.

President Demirel met in December with human rights monitors from the southeast.

Parliament established a Human Rights Commission in 1991 to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports. Most recently the Commission undertook a review of prison conditions in light of the September riots (see Section 1.c.). The U.N. Special Rapporteur for Torture visited the country in late 1998 (see Section 1.c.).

A report by the European Commission of Human Rights, released in September, held Turkey responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The Government of Turkey denied its responsibility. The report was to be referred to the European Court of Human Rights for a binding decision, a process that may take several years.

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

The Constitution proclaims Turkey to be a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

Women.—Spousal abuse is serious and widespread. According to the Family Research Institute in the Prime Minister's Office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation making spousal abuse illegal, the Institute continues to note complaints of beatings, threats, economic pressure, and sexual violence. In a survey of 12 provinces, physical abuse reportedly occurred in roughly 30 percent of families. There are 9 shelters and 6 consultation centers for battered women; in addition, the Child Protection and Social Services Agency provides services to victims of domestic violence through its 19 social centers.

Spousal abuse, although now illegal, still is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. "Honor murders"—the killing by immediate family members of women who are suspected of being unchaste—continue in rural areas, and among recent immigrants to cities, but may have declined due to greater public, especially media, attention. However, laws still exist that reduce the sentence for killings that are "provoked," and because of further reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing.

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

The Government issued a new regulation in late 1998, prohibiting the traditional practice of "virginity testing," unless requested by a woman. The regulation appears to have led to a decrease in the practice but does not carry sanctions against the person conducting the testing.

Some laws still discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. Women's groups have lobbied to change the Civil Code provision that the husband is the legal head of household. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child: a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, her children the rest.

The literacy rate for women is 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women. Men must serve in the army, and if they do not know how to read they are taught upon entry.

Particularly in urban areas, women continue to improve their position, including in the professions, business, and the civil service; however, they continue to face discrimination to varying degrees. Women constitute nearly 50 percent of the work force but hold less than 10 percent of managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination required to become governors or subgovernors; several have been appointed subgovernors.

Independent women's groups and women's rights associations continue to increase in number, such as the Association to Support Women Candidates (Kader); "The Flying Broom" women's advocacy group; the Turkish Women's Union; and the Foundation for the Evaluation of Women's Labor. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities.

Children.—The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family Issues oversees implementation of the Government's programs for children.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia, the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home (see Section 1.g.).

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention.

Children have suffered greatly from the cycle of violence in the southeast. The migration—forced or voluntary—of many families, past terrorism against teachers, and school closings in the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom (see Section 1.g.). The Government has built regional boarding schools to help combat this problem, but these are insufficient.

Instances of child beating and abuse are reported more frequently than in previous years, according to women's groups. The increase likely is attributable to greater public awareness of the problem.

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

People with Disabilities.—Few laws exist regarding accessibility to buildings and public transportation. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

Religious Minorities.—Jews and numerous Christian denominations freely practice their religions and report little discrimination in daily life. However, some incidents still occur, and extremist groups or individuals target minority communities from time to time. Isolated incidents of desecration of Jewish and Greek Orthodox cemeteries were reported. No arrests have been made in the case of the 1998 arson attack on the Orthodox Museum at Saint Therapon or the December 1997 bombing of the Orthodox Patriarchate in Istanbul.

No laws prohibit religious conversion. Nonetheless, individuals contemplating conversion often face family and community pressures, and proselytizing remains socially unacceptable. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation.

There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy and officers must be graduates.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of rising Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

National/Racial/Ethnic Minorities.—The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many Members of Parliament and senior officials and professionals are Kurds; however, Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain, including a parliamentarian who listed "Kurdish" as one of his foreign languages, risk public censure, harassment, or prosecution.

Kurds who are long-term residents in industrialized cities in western Turkey were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring

with them their culture and village identity, but often little education and few skills.

Since 1991 private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by a plethora of laws and even articles of the Constitution; these restrictions are invoked arbitrarily. Television and radio stations in the southeast occasionally play Kurdish music, although authorities have imposed restrictions on some songs. The State of Emergency regional governor frequently bans Kurdish recordings that may be played legally elsewhere in the country. Kurdish is widely spoken on the streets, especially in the largely Kurdish southeast, and Kurdish music recordings reportedly were widely available there despite some being banned. Materials dealing with Kurdish history, culture, and ethnic identity are available but continue to be subject to confiscation and prosecution under the "indivisible unity of the state" provisions of the Anti-Terror Law (see Section 2.a.). Such confiscations were rare during the year.

The Government circumscribes the activities of organizations such as the Mesopotamian Cultural Center (MKM), a corporation with branches in several cities that was established to promote Kurdish language and culture (see Section 2.a.). There is police pressure against their activities, especially in the southeast, and local officials monitor and often interrupt their cultural events. MKM branches report that they were prevented from selling Kurdish-language music cassettes and warned against organizing cultural events.

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

The Romani population is extremely small, and no incidents of public or government harassment directed against them were reported. Extremist groups or individuals target minority communities from time to time.

In October a pipe bomb exploded, causing damage to the Greek Minority High School in Istanbul.

Section 6. Worker Rights

a. *The Right of Association.*—Workers, except police and military personnel, have the right to associate freely and form representative unions. This right encompasses civil servants, including schoolteachers.

The Constitution stipulates that no one shall be compelled to become or remain a member of, or withdraw from, a labor union. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the government and political parties. They must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court in 1998 banned the DISK-affiliated union in the leather sector, Deri-Is, because it violated this article in the Constitution and prohibited it from appealing to a higher court. It applied to the European Court of Human Rights for redress. The International Labor Organization (ILO) Committee on Freedom of Association has stated that this provision is extremely prejudicial to the interests of the trade unions and has urged that it be repealed.

Just over 13 percent of the total civilian labor force (15 years of age and above) is unionized. The labor force numbers around 23 million, with approximately 46 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There are also 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests.

Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms. However, the Government may not dissolve a union summarily.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes among civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years in the 9 free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

From January through November there were 2 strikes in the public sector involving 67 workers at 3 job sites and 32 strikes in the private sector involving 3,216 workers at 53 job sites. During the same period there were also 4 lockouts in the private sector involving 931 workers.

Workers and civil servants throughout the country answered a call by the Labor Platform and held a general strike in August to protest the draft social security bill and the constitutional amendment enabling international arbitration. Workers clashed with police when they tried to enter Ankara's main square. Some were injured slightly when police dispersed the crowd. A few workers were detained. Government officials criticized labor leaders for escalating tensions and accused them of misleading the public.

After several meetings of the Economic and Social Council (ESK) at which top union leaders and government representatives failed to reach an agreement on the proposed change to the national retirement age (from 43 to 60 for men and from 38 to 58 for women), trade unions staged peaceful demonstrations in major cities on July 6 to protest government draft legislation on social security. The legislation passed in September, amid widespread protests by labor leaders.

Textile firms avoided strike action by some 70,000 textile workers on January 12, when employers agreed to a 45 percent pay increase for the first half of 1999 and an additional 30 percent raise for the second half. However, 9,000 to 11,000 textile workers belonging to the DISK union struck for a day on January 12. The strike ended when DISK signed an agreement with employers containing the same wage increases.

Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries. Legislation providing the right to strike for civil servants was introduced in the last parliamentary session but was not adopted. Civil servants currently have the right to organize and engage in collective bargaining.

All defendants were acquitted in the trial, begun in 1996, against Turk-Is Chairmanship Council officials who were charged with violating the associations law when Turk-Is announced support for political parties during the 1995 election. No action has been taken in a second trial against Turk-Is officials charged with holding illegal demonstrations in 1995 to protest a deadlock in collective bargaining.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to Turkey, or to freedom of religion or belief. The International Confederation of Free Trade Unions (ICFTU), of which Turk-Is had been an affiliate for years, approved DISK as an affiliate in 1992; Hak-Is became a member in 1997.

b. *The Right to Organize and Bargain Collectively.*—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus 1 of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This 10 percent barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor.

The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU re-

ports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO has called on Turkey to rescind this 10 percent rule, stating that it violates ILO Convention 98, which Turkey ratified in 1952. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area and does not want the status quo upset. In 1994 the government informed the ILO Committee on the Application of Standards that the Ministry of Labor and Social Security proposed to remove the 10 percent numerical restriction and that it had communicated its proposal to the social partners. The ILO took note of the government's statement that it continued to study removal of this requirement despite objections from employer and worker organizations. However, since then the Government has taken no further action.

The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. The DISK trade union confederation reports that since January 1996 some 40,000 trade union members were fired.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in five provinces. A law enacted in 1984 provides for the establishment of free trade zones, which are intended to attract domestic and especially foreign investment and promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (2), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones. However, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration. Workers inside the zones are paid in foreign exchange rather than Turkish currency, giving them a hedge against inflation.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution and statutes prohibit compulsory labor, including that performed by children, and the Government generally enforces these provisions in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. The Constitution also prohibits children from engaging in physically demanding jobs such as underground mining and from working at night. The Ministry of Labor effectively enforces these laws only in large-scale industrial and service sector enterprises.

Child labor is widespread. According to a September report published by the Ministry of Labor and Social Security, 8.5 percent of children between the ages of 6 and 14 years were engaged in some form of economic activity and 23.9 percent were engaged in domestic labor. Child labor is used most often in small-sized enterprises. According to official data, 87 percent of working children are employed by small-sized enterprises having 1 to 9 workers, 7 percent work in medium-size enterprises (10 to 24 workers), and 6 percent are employed by large-scale enterprises (more than 25 workers).

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan commits the Government to enact legislation to restrict further child labor and to adopt legislation to conform with relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions.

The Ministry of Labor, the ILO's International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor in-

spectors specifically in child labor issues. In 1996 the government and the ILO signed an agreement to extend the IPEC program until December 2001.

With the introduction in 1998 of the 8-year compulsory education program (previously, 5 years were compulsory), the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. Currently there are 318 centers located in 80 cities. These centers provide apprenticeship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy, and are therefore beyond the reach of the inspectorate.

The Constitution prohibits compulsory labor, including that performed by children, and the laws generally are enforced; however, trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent years, it has done so annually. However, during the year there were two adjustments: The nominal minimum wage was increased in January by 30 percent and again in July by 20 percent, compared with an annual inflation rate of nearly 69 percent. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. The monthly gross minimum wage rates, which became effective in August, were approximately $199 (93.06 million lira) for workers over age 16, and $177 (79.56 million lira) for workers under 16.

The minimum wage does not provide a decent standard of living for a worker and family. It would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more. Workers covered by the Labor Law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 37.3 percent of total compensation.

The Labor Law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 a day for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover about 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. Law 1475 allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment.

f. *Trafficking in Persons.*—The Government deals with the problem of trafficking in persons through laws relating to prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, especially the immigration and organized crime authorities, enforce antitrafficking laws. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if adbuctor and abductee get married. A further provision prohibits enticement to prostitution; however, penalties are light (up to 2 year's imprisonment). A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. These laws are the only statutes relevant to trafficking in persons.

Turkey is a major destination and transit country for trafficking in women and girls for the purpose of forced prostitution. The International Organization for Migration (IOM) and domestic NGO's stated that most trafficked women in the country are from Albania, Bulgaria, Moldova, Romania, and Ukraine. Arrests (and in most cases, deportations) of nationals from Moldova, Romania, and Ukraine rose from 6,700 in 1998 to approximately 11,000 in 1999. In 1997 alone, the country deported

7,000 Romanian women. African and Asian women use the country as a transit point to other countries in Europe.

Organized crime groups appear to be the primary trafficking organizations. The Ministry of the Interior's organized crime department is responsible for combating trafficking problems. According to NGO's, victims of trafficking remain without assistance and the trafficking cycle continues. Many women and girls come to the country believing that they have legitimate work as models, entertainers, governesses, or translators. In some cases, girls from Romanian orphanages have been kidnaped. One NGO reported in the fall of 1998 that there were three or four hotels in a single block in Istanbul where women were housed and allowed out only in a group under guard to go to work as prostitutes in private clubs. Other NGO's reported that some groups of women deported were robbed in Bulgaria and forced to work as prostitutes there. Some of the recruitment in source countries was done by former prostitutes, who appeared to the victims of trafficking to be recruiting for legitimate work.

Once in the country, the trafficked women and girls are in debt bondage to their traffickers, who are members of the Mafia (mainly Russian). Women who attempt to escape often are beaten, gang-raped, or killed. Since 1997 there has been more transit activity through the country to Western Europe, perhaps stemming from the fact that the Government banned casinos that year. The Government addressed this problem with laws relating to illegal migration and unregistered prostitution; registered prostitution is legal.

Reportedly there is almost no trafficking in Turkish women or girls. There were no reports of trafficking in children for the purpose of forced labor; legislation in this area addresses the issue (see Section 6.d.).

At year's end, there was little interagency cooperation in dealing with the problem of trafficking. According to a leading women's NGO, Ka-Der, representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, met in October to discuss the issue of trafficking. The group was not formalized and did not meet again.

The Government does not provide any formal protection, aid, or education to victims of trafficking. Since the women being trafficked are not usually from Turkey, preventive education is less applicable. The country has nine government-funded women's shelters for a population of 65 million people; there are no NGO-run women's shelters. The shelters are open to women regardless of citizenship.

In 1998 and 1999, teams from Ukraine and Moldova filmed educational documentaries designed to discourage women and girls from coming to Turkey. The IOM reports that the teams received extensive cooperation from the authorities, especially from the police, and filmed graphic stories about the situation of female trafficking victims.

TURKMENISTAN

Turkmenistan, a one-party state dominated by its president and his closest advisers, made little progress in moving from a Soviet-era authoritarian style of government to a democratic system. The flawed December parliamentary elections and the passage of a law exempting President Saparmurat Niyazov from term limits were further backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death. Niyazov retained his monopoly on power, and the Democratic Party, the renamed Communist Party, retained its monopoly on power; the Government registered no parties during the year and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); namely, to ensure that the regime remains in power through tight control of society and discouragement of dissent. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both forces committed serious human rights abuses.

Turkmenistan is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and state control, although the Govern-

ment has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. The Government is proceeding with negotiations on construction of a new gas export pipeline across the Caspian Sea, through Azerbaijan and Georgia to Turkey, and also is considering shipments through Iran and Afghanistan.

The Government's human rights record remained extremely poor. The Government continued to commit serious human rights abuses, and the authorities in particular severely restricted political and civil liberties. Citizens do not have the ability to change their government peacefully. One political prisoner died in custody under suspicious circumstances. Security forces continued to beat and otherwise mistreat suspects and prisoners, and prison conditions remained poor and unsafe. Both the criminal police and the KNB operate with relative impunity and abuse the rights of individuals as well as enforce the Government's policy of repressing political opposition. Arbitrary arrest and detention, prolonged pretrial detention, unfair trials, and interference with citizens' privacy remained problems. In January following a commitment by President Niyazov in May 1998, the Government released dissident Gulgeldi Annaniyazov. The Government severely restricts freedom of speech and does not permit freedom of the press. The Government completely controls the media, censoring all newspapers and rarely permitting independent criticism of government policy or officials. The Government restricts freedom of assembly and association. The Government imposes restrictions on nonregistered religious groups. The law on religion, amended most recently in 1996, reaffirmed a number of important religious freedoms but also tightened government control of religious groups. The requirement that religious organizations have at least 500 Turkmen citizens as members in a given locality to be registered legally has prevented all but Sunni Muslims and Russian Orthodox Christians from legally establishing themselves. The Government imposes some restrictions on freedom to travel abroad. Domestic violence against women is a problem, and women experience societal discrimination. The Government generally gave favored treatment to men over women and to ethnic Turkmen over minorities.

In January the Organization for Security and Cooperation in Europe (OSCE) opened an office in Ashgabat.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—In September political prisoner and Russian citizen Khoshali Garayev was found hanged in his cell in the maximum security prison in Turkmenbashi. The Government has rejected requests from the Russian Government and international human rights organizations for an investigation into the suspicious nature of Garayev's death (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.*—The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions. There were credible reports that political prisoners are singled out for cruel treatment. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. Members of Jehovah's Witnesses reportedly were beaten while in police custody in September (see Section 2.c.).

Prison conditions are poor, and prisons are unsanitary, overcrowded, and unsafe. Food is poor, and infectious diseases are rampant. Facilities for prisoner rehabilitation and recreation are extremely limited. Some prisoners have died due to overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat.

In September a political prisoner was found hanged in his cell under suspicious circumstances (see Sections 1.a. and 1.e.).

The Government does not permit unrestricted independent monitoring of prison conditions.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret." However, in practice, those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.).

In November the Government sentenced Parahat Yklimov, the brother of Sapar Yklimov, a former government official who lives outside the country, to 11 years' imprisonment for financial misconduct. Prior to his arrest, he reportedly had been warned that his brother should cease his political activities abroad. His family reportedly was told by internal security organizations that he would be released if his brother returned to the country.

In November the Government arrested Ramil Galimov, a member of a Jehovah's Witness group in Kizyl-Arvat who has dual Russian-Turkmen citizenship. After imprisoning him for 2 weeks, the Government reportedly forced him to leave on a train for Russia but retained his Turkmen passport.

The precise number of political detainees held at year's end was unknown. Pretrial detainees are held 6 to 8 months on the average. According to government sources, more than 22,000 persons were released from prison under presidential amnesties in January, February, and March (see Sections 1.e and 3). Among those amnestied during the year, the Government reportedly set free 700 jailed foreigners. Foreign diplomats received credible reports that prison officials requested bribes to implement releases under these amnesties.

Forced exile was not known to have occurred during the year. In November President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. President Niyazov proposed that the officials, accompanied if they desired by their families, would work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned this year.

e. *Denial of Fair Public Trial.*—The Constitution provides for judicial independence; however, in practice, the judiciary is not independent. The President's power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. The appointments are without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving disputes between state-owned enterprises and ministries, and, increasingly, commercial disputes. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces now are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Lower courts' decisions may be appealed, and the defendant may petition the President for clemency. The President released over 22,000 inmates from prison in connection with general amnesties in January, February, and March (see Section 1.d. and 3.). In practice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial. The Government denied foreign diplomats access to several supposedly open court proceedings.

At year's end, the Government held at least two political prisoners (Mukhametkuli Aimuradov and Pirimguli Tanrykuliev). In January the Government released Gulgeldi Annaniyazov and Gurbanmuran Mammetnazarov as part of a general amnesty. They were the two remaining political prisoners held in connection with a July 12, 1995 demonstration over living conditions, in which several thousand persons participated. Annaniyazov was in grave physical condition in May 1998 and his release fulfilled an earlier commitment by President Niyazov for his release. Mammetnazarov had been sentenced to an additional 1 year in May 1998 for possession of narcotics found in his prison cell. In September Russian citizen Khoshali Garayev, one of two persons convicted in secret before the Supreme Court in 1995 for antigovernment activities and planning terrorist actions against government officials, was discovered hanged in his cell at the maximum security prison in Turkmenbashi. The Government rejected all requests for an investigation into the circumstances surrounding Garayev's death. In December 1998, he and

Mukhamedkuli Aimuradov were sentenced to additional concurrent terms of 18 years for allegedly attempting to escape from this prison.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violate this right. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

The Government no longer restricts citizens' ability to obtain foreign newspapers. A wide variety of Russian and Western newspapers are available.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Internal security organizations reportedly pressured relatives of a former government official who left the country to convince him to return (see Section 1.d.). The relatives of a democracy advocate convicted on charges of embezzlement lost a government job and access to the state-run university (see Section 2.b.). The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). During the year, the Government forced many citizens from their homes on short notice in order to make way for urban renewal and renovation projects. Some of those who built homes without formal government permission were not offered alternate accommodations despite their length of occupancy or degree of hardship. Citizens evicted from homes built with formal permission could claim compensation only if they posted a bond worth 15 percent of the value of their destroyed home. Compensation generally fails to equal the value of the property taken.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for the right to hold personal convictions and to express them freely; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. Criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television; it funds almost all print media. The Government censors newspapers and uses Turkmen language newspapers to attack its critics abroad; the Committee for the Protection of State Secrets must approve prepublication galleys. The two nominally independent newspapers established in 1997 under presidential decree, Adalat (Justice) and Galkynysh (Revival), are no longer even nominally independent. Russian-language newspapers from abroad are available by subscription, and some Russian and other foreign newspapers are also available in several Ashgabat hotels. Owners of satellite dishes have access to foreign television programming, and Internet access is available as well; however, satellite dishes and Internet access remain so expensive that they are out of reach for the average citizen.

The tri-language daily Ashgabat has dropped its English and Russian sections in June and now is printed in Turkmen only. The Government also ended the publication of Golos Turkmenbashi, the Russian language daily in the city of Turkmenbashi, the city with the highest concentration of ethnic Russians in the country.

In order to regulate printing and copying activities, the Government ordered in February 1998 that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows even the mildest form of criticism of the President in print. Criticism of government officials sanctioned by the President is commonplace. The Government has subjected those responsible for critical foreign press items to threats and harassment.

In January the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks on a Russian radio broadcast attributed to him that were critical of the Government's treatment of ethnic Russians. Mamedov was released in February but remains under investigation, and his unregistered nongovernmental organization was shut down. In February the Government deported a Moscow-based human rights researcher, Aleksandr Petrov of Human Rights Watch, for distributing a human rights report critical of the Government; in March it detained and deported Russian writer Nikolai Mitrokhin, the coauthor of the report (see Section 4).

On January 29, officers of the National Security Committee broke up an Ashgabat gathering of journalists at which participants were expected to announce the forma-

tion of an Independent Journalists' Association. The officers recorded the names of those in attendance and detained five organizers of the meeting.

Radio Free Europe/Radio Liberty correspondent Yoshan Annakurbanov left the country in August 1998 while under investigation for allegedly attempting to smuggle "military secrets" out of the country and now lives abroad. In July the government-controlled press attacked him for his continued Radio Liberty reports critical of the Government. In December the Government seized his home and fired his relatives from their jobs at the state television and radio company.

Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Minister of Culture attends rehearsals of all theater productions to ensure that they do not contain antigovernment or antipresidential content. The Ministry of Culture must approve plays before they open to the public.

The Government also restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. It does not permit peaceful demonstrations organized by alleged critics and in 1995 dispersed the first peaceful protest rally in years (see Section 1.e.), and convicted a number of persons for their participation. Permits are required for public meetings and demonstrations. There were reports of spontaneous demonstrations, for example over bread prices, in the past, but there were no reports of demonstrations during the year.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. Unregistered organizations with political agendas are not allowed to hold demonstrations or meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered political party is the Democratic Party, the former Turkmen Communist Party.

Social and cultural organizations without political aims are allowed to function, but often have difficulty registering. During the year, the Government reportedly registered only seven nongovernmental organizations, all of which involved sports clubs. Theoretically, citizens have the freedom to associate with whomever they please. However, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes. In addition some citizens with links to foreigners are subject to official intimidation. In July the Government arrested former parliamentarian and democracy advocate Pirimguli Tanrykuliev on charges of embezzlement after he discussed forming a new political party with Western diplomats. On August 14 the Government convicted him, sentenced him to 8 years in prison, and stripped him of his medical credentials. Shortly before his arrest, his daughter lost her government job and his youngest son was removed from the list of those accepted into the state-run university.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion and does not establish a state religion; however, the Government imposes restrictions on some religious groups. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to 70 years of Soviet rule. The Government pays the salaries of Muslim clerics.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity, and it gives some financial and other support to the Council on Religious Affairs, which plays an intermediary role between the government bureaucracy and religious organizations rather than actively promoting interfaith dialog.

While it affirms a number of important religious freedoms, the Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and again in 1996, also provides for significant government control of religion. Religious congregations are required to register with the Government and must have at least 500 Turkmen citizens over the age of 18 as adherents to be registered. This requirement has prevented all but Sunni Muslims and Russian Orthodox Christians from setting up legal religious organizations. Moreover, the Government applies this 500-member standard on a local and regional basis. For example, a representative of a major Christian religious group was told in 1998 that the group would have to have 500

adherents in Ashgabat to be registered there, and another 500 in the city of Turkmenbashi to be registered there.

This restriction also has caused problems for a number of minority religions, including the Baha'i Faith, which was registered by the Government in 1994 only to be deregistered in 1997 when the threshold was raised to 500 adherents. Members of the Baha'i Faith have been prevented from conducting services since 1997 and have been questioned by internal security representatives for holding private prayer meetings in their homes. The local Baha'i community in Ashgabat was able to open its center for 1 day in March to celebrate the Faith's Nowruz (spring) holiday. In January the Armenian community in Turkmenbashi applied to local authorities to use a church appropriated during the Soviet era as a cultural center pending registration as a religious organization; but at year's end, it has not yet received any reply. In May President Niyazov promised to permit registration of almost all religious groups by September but the Government took no action by year's end. No new religious groups were registered and, despite promises by senior officials, the Halk Maslahaty (People's Council) did not reduce the 500 person threshold.

While protected by law, proselytizing by "foreign" (that is, other than Russian Orthodox or Sunni Muslim) religious groups can incur official displeasure. Government permission is required for any mass meetings or demonstrations for religious purposes. The Government also restricts the travel of clergy or members of religious groups to the country. Islamic religious literature is distributed through the mosques. Orthodox churches are permitted to offer religious literature. Unregistered religious groups face government harassment if they attempt to meet or distribute religious literature. Bibles shipped by the Seventh-Day Adventists in 1998 from neighboring Uzbekistan were confiscated at the border. According to the Brussels-based NGO Human Rights Without Frontiers, government authorities called in more than 100 citizens for questioning during the first week of May, apparently in connection with a mounting crackdown against local Christians and churches. The citizens reportedly were interrogated about their contacts with various foreign-nationality Christians residing in the country.

In June representatives of internal security organizations visited the Baha'i center in Ashgabat as part of the Government's attempt to control the activities of unregistered religious groups and warned its members not to distribute religious materials. In June, July and August, congregations of Baptists, Seventh-Day Adventists, and Pentecostalists were harassed by government officials, who seized religious materials and instructed them to discontinue their activities, threatening them if they did not. In August Shageldi Atakov, a member of the Baptist faith, was sentenced to 4 years in prison and fined $12,000 (an astronomical sum considering average wages in the country amount to $30 a month) for an alleged illegal transfer of automobiles in 1994. Atakov denied the charges and claimed that he was being imprisoned because of his religious beliefs. Atakov reportedly was beaten severely by an officer while in prison.

In September representatives of internal security organs, including the KNB, attempted to break up a peaceful meeting of the Seventh-Day Adventist congregation in Ashgabat. The congregation later paid a fine for meeting illegally. On November 13, a demolition team sent by the Ashgabat mayor's office began tearing down a recently completed Seventh-Day Adventist church. Two days earlier the pastor of the congregation had received written notice that demolition would begin after a week; the building's destruction was part of a Government plan for the neighborhood. In September local police and KNB officers in Geok-Depe arrested two members of Jehovah's Witnesses for discussing the Bible with fellow citizens. After 3 days of interrogation, which reportedly included beatings, the two were sentenced to 15 days' imprisonment. Upon their release, they were told to renounce their faith and warned not to tell human rights organizations about their treatment while under government custody. In December the Government reportedly deported one member of Jehovah's Witnesses to Russia. On December 17, police and KNB agents arrested three members of an unregistered Baptist congregation in Ashgabat, whom the Government then threatened to deport. Shageldy Atakov was incarcerated for his religious beliefs.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government imposes some restrictions on freedom of movement. The Government generally does not restrict movement within the country, although travel to southern border zones is controlled tightly. Citizens still carry internal passports. These documents are used primarily as a form of identification, rather than as a means of controlling movement. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a general means of restricting international travel. The Government does not allow its citizens

to travel outside the country without official permission. Any citizen who wishes to visit a foreign country must obtain an exit visa, which can take up to 5 weeks to process. Although not new, this policy became more onerous in June when the country withdrew from the visa agreement of the Commonwealth of Independent States. The official reason given by the Government for this action was to secure the country's borders against foreign criminal elements. Most citizens are permitted to emigrate without undue restriction.

The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to the country and apply for citizenship; however, the Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1997 Law on Refugees establishes the procedure and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country currently provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. The Government cooperates with the UNHCR and other humanitarian organizations that assist refugees. There were no confirmed reports of forced expulsion of those having a valid claim to refugee status. There have been unconfirmed reports of small numbers of refugees being forcibly returned by individual border guards. However, according to the UNHCR, there is no clear pattern of abuse or forced expulsion of refugees, with the exception of such low-level harassment.

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

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power is absolute, and the country remains a one-party state. Despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level. In his address to the Halk Maslahaty in July 1998, President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues. However, in reality, even local leaders are selected and dismissed by the President. In December the Halk Maslahaty proposed and the newly elected Mejlis (Parliament) approved a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President, but only for Niyazov, as the country's first president.

In November 1998, the President announced a major letter-writing campaign in which any Turkmen citizen who had a complaint could write directly to him. As a result of this campaign, the President received almost 140,000 letters. The Government stated that most of the letters contained complaints about the criminal justice and prison systems. As a result of this campaign, the President released over 22,000 persons from prison (see Section 1.d and 1.e.).

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In August the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Mejlis routinely supports presidential decrees, and as yet has no genuine independence, although it has taken several measures to become a more professional body. For example it discusses and amends draft legislation, including key bills such as civil and criminal codes. In the 1994 Mejlis elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. President Niyazov promised in 1998 that the parliamentary

elections scheduled for December for a reconstituted Mejlis would be "free and fair" and conducted on a "wide democratic basis." However, the elections held in December were seriously flawed. Although there were at least two candidates for each Mejlis seat, every candidate was selected by the Government, and there was virtually no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

There are no legal restrictions on the participation of women or minorities in the political process; however, they are underrepresented in government and politics. Thirteen members of the newly elected Mejlis are women, although women constitute over 50 percent of the population. Women serve as the Deputy Chairman for Textiles and Foreign Trade, Minister of Textiles, Minister of Education, and Prosecutor General. No women serve as provincial governors. Minorities are represented in the Government, although preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek.

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

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and criticize publicly the Government's human rights policies. Several independent journalists based in Russia report on these issues in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues. Early in the year, the Government deported two Moscow-based human rights researchers (see Section 2.a.).

On January 6, President Niyazov signed a decree establishing a human rights commission that he heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which completed its third year of operation in October. Its mandate is to support the democratization of the government and society and to monitor the protection of human rights. The Institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. Two-fifths of the approximately 2,500 complaints received by the institute during the year concerned abuses by law enforcement and security organizations, the judicial process, and judges. In general the Institute conducts a study of the complaint and returns its findings to the individual and the organizations involved. However, the Institute is not an independent body, and its ability to obtain redress is limited by government interests.

In January the OSCE opened an office in Ashgabat.

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

The Constitution provides for equal rights and freedoms for all, independent of one's nationality, origin, language, and religion. It further specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

Women.—Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in society. There are no court cases available and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat.

There were some reports of trafficking in women from the country to the Persian Gulf and Turkey (see Section 6.f.).

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limit opportunities for women to enter careers outside the home and advance their education. Reli-

gious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government has no program specifically aimed at rectifying the disadvantaged position of women in society, as it does not acknowledge that women suffer discrimination.

Children.—The Government's social umbrella covers the welfare needs of children. In September the Government cut the number of years of basic education from 10 to 9 years; however, children now in their eighth, ninth, or tenth year of education will be unaffected. There is little difference in the education provided to girls and boys. The Government has not taken effective steps to address the environmental and health problems that have resulted in a high rate of infant and maternal mortality.

Class sizes in the country are increasing rapidly, facilities are deteriorating and funds for textbooks and supplies are decreasing. The Ministry of Education (MED) announced last spring that the number of students per class is to be raised from 30 to 45. Wages for teachers and administrators are in arrears in many districts; this, added to the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, leaving classrooms overcrowded.

Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between $2,000 and $4,000. Paying bribes for good grades is also a common practice. Furthermore, MED has discouraged schools from having contacts with NGO's and international organizations.

During the annual cotton harvest, some schools in agricultural areas are closed and children as young as 10 years of age work in the cotton fields for up to 2 months (see Section 6.d.). Other than this activity, there is no societal pattern of abuse against children.

People with Disabilities.—Government subsidies and pensions are provided for those with disabilities, although the pensions are inadequate to maintain a decent standard of living. Those capable of working are generally provided with jobs under still-valid preindependence policies that virtually guarantee employment to all. According to existing legislation, facilities to allow access by the disabled must be included in new construction projects. However, compliance is inconsistent and most older buildings are not so equipped. Care for the mentally retarded and mentally ill is provided on the local level. Mentally retarded and mentally ill children are placed in boarding schools, with educational and future employment opportunities if their condition is mild. Adults with disabilities requiring institutionalization are kept primarily in "psycho-narcological" hospitals in Geok-Depe, Bekrova, and Kakha and in theory provided with food, clothing, and medical care.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights and freedoms for all citizens. Turkmen comprise approximately 77 percent of the population of about 4.7 million; Uzbeks, 9 percent; and Russians, 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Since independence, the country has not experienced ethnic turmoil.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use them. Russian remains in common usage in government and commerce. However, the President has criticized the widespread use of Russian. In accordance with his wishes, Russian language usage in newspapers was cut back sharply during the year. In June the Government switched one of the Russian language daily newspapers to Turkmen and reduced daily Russian news broadcasts on state-run television to 30 minutes. In October the state radio ceased entirely its daily 15-minute Russian language news broadcast. Nonethnic Turkmen employees at government ministries reportedly were given until December to learn Turkmen. Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-echelon jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen.

Section 6. Worker Rights

a. *The Right of Association.*—Turkmenistan has inherited the Soviet system of government-controlled trade unions. There are no legal guarantees entitling workers to form or join unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year.

The law neither prohibits nor permits strikes and does not address the issue of retaliation against strikers. Strikes are extremely rare and no strikes were known to have occurred during the year.

There is no information available on union affiliation with international unions. Turkmenistan joined the International Labor Organization in 1993.

b. *The Right to Organize and Bargain Collectively.*—The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close association of both the trade union and the state-owned enterprise with the Government seriously limits workers' ability to bargain, and workers often go months without pay or receive their paychecks late.

The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor; however, there were reports of trafficking in women (see Section 6.f.), and children work in cotton harvesting in rural areas (see Section 5). The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 5).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours).

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 6.c.). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted. Violations of child labor laws occur in rural areas during the cotton harvesting season, when teenagers work in the fields and children as young as 10 years of age sometimes help with the harvest.

e. *Acceptable Conditions of Work.*—There is no minimum wage. In December the Government raised the average wage in the state sector to approximately $77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage falls short of the amount required to meet the needs of an average family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions. Even so, many people lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions may also work on Saturdays.

The country inherited from the Soviet era an economic system with substandard working conditions—one in which production took precedence over the health and safety of workers. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

f. *Trafficking in Persons.*—The International Office of Migration reports anecdotal evidence of trafficking in women from Turkmenistan, particularly to Turkey and Arab countries in the Persian Gulf. Although there does not appear to be a large-

scale problem, no reliable statistics are available. The Government does not have programs in place to combat trafficking in persons; however, in November the Government and the International Organization on Migration hosted a 1-day seminar on illegal migration during which trafficking in women was discussed in detail.

UKRAINE

Ukraine is governed by a directly elected president and a unicameral parliament, the Verkhovna Rada (Supreme Council), which is elected partially according to proportional representation and partially by direct constituency mandate. Incumbent President Leonid Kuchma was reelected after two rounds of voting on October 31 and November 14. While there were some irregularities during the election campaign and during the balloting, almost all observers agreed that the election results reflected the will of the electorate. Despite numerous flaws and irregularities, previous national elections in 1998 and 1994 generally reflected the will of the electorate. The President appoints the Cabinet and controls government operations. Although the Constitution mandates an independent judiciary, the courts are funded through the Ministry of Justice, are subject to political interference and corruption, and are inefficient.

The Security Service of Ukraine (SBU), the Ministry of Internal Affairs (which controls the various police forces), and the Ministry of Defense all have equal responsibility for internal security and report to the President through the Cabinet. The National Bureau of Investigation, established by presidential decree in 1997 but never fully funded, was abolished in a government reorganization in December. The armed forces largely have remained outside of politics. While civilian authorities generally maintain effective control of the security forces, institutional government corruption sometimes can lead to their improper use. The SBU and other government agencies have interfered indirectly in the political process through criminal investigations of politicians, journalists, and influential businessmen. Members of the security forces committed human rights abuses.

Ukraine is making a difficult transition from a centrally planned to a market-based economy. The private sector has continued to grow and now represents a substantial portion of the economy. Nevertheless, the country remains in a serious economic crisis, due to the absence of the critical level of reform needed to generate sustained economic growth. Industrial output has suffered years of sharp decline. Reform, particularly in the agricultural sector, has stagnated; however, at year's end the President signed a far-reaching decree on agricultural reform. According to official statistics, about half the work force is employed formally in manufacturing, with the balance divided between services and agriculture; however, in reality many industrial enterprises have reduced or stopped production. Exports are diversified and include metals, chemicals, sugar, and semifinished goods. The annual per capita gross domestic product for 1999 was approximately $1,000. However, millions of employees go months without being paid, and most individuals derive a significant proportion of their income from the shadow economy. Annual inflation is expected to remain at the 1998 level of about 20 percent. Investment remains at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, and arbitrary licensing practices. Unemployment has affected women disproportionately. Wealth is concentrated among the political elite and directors of state-dominated sectors such as metals, oil, and gas.

Ukraine's human rights record during the year was mixed; there was limited progress in some areas; however, serious problems persisted. Members of the military killed soldiers during violent hazing incidents, and there were some reports of possibly politically motivated killings. Police and prison officials regularly beat detainees and prisoners, and there were numerous instances of torture, sometimes resulting in death. The beating of conscripts in the army by fellow soldiers was common and sometimes resulted in death. Prison conditions are harsh and life threatening. There were instances of arbitrary arrest and detention. Lengthy pretrial detention in very poor conditions was common, and detainees often spent months in pretrial detention for violations that involved little or no prison time if convicted. Long delays in trials are a problem. The Government rarely punishes officials who commit abuses. The SBU, police, and Prosecutor's Office have drawn domestic and international criticism for their failure to take adequate action to curb institutional corruption and abuse in the Government. Many high-profile corruption cases have been dropped, ostensibly because of lack of incriminating evidence. Anti-corruption legislation has been enforced selectively, mostly against government opponents and low-level officials. Political interference and corruption affect the judicial process.

The judiciary is overburdened, inefficient, and lacks sufficient funding and staff. These factors undermine citizens' right to a fair trial. The criminal justice system has been slow to reform due to both lack of government effort and strained economic resources. The State continued to intrude in citizens' lives and infringe on their privacy rights. The Government partially limited and increasingly interfered with freedom of the press during the year, most notably in the run-up to the October presidential elections. Government authorities interfered in the election process and stepped up pressure on the media through tax inspections and other measures. The national broadcast media came under particular pressure. While the print media reflected the full political spectrum, there were tendencies toward self-censorship. There were some limits on freedom of assembly, and there were some instances of restrictions on freedom of association. Limitations on nonnative religious organizations constrained freedom of religion. The Government took steps to return to religious groups properties expropriated during the Soviet era. Some limits on freedom of movement, most notably the registration or "propiska" system, remained. The Government took steps to support the return and resettlement of exiled Tatars in Crimea. The SBU monitored the activities of nongovernmental organizations (NGO's) during the election campaign. Violence against women and children; trafficking in women and girls; discrimination against women; societal anti-Semitism; and discrimination against religious, racial, and ethnic minorities are problems. The Government discourages some workers from organizing unions, and forced labor in the form of women and girls trafficked for sexual exploitation is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government agents; however, the pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists were victims of possibly politically motivated—and sometimes fatal—attacks.

No 1999 official statistics for contract killings are available, but some such killings may have been politically motivated. In February the manager of security forces for the independent television station STB was murdered in the stairwell of his apartment building in an apparent contract killing. In May chairman of the regional arbitration court Borys Vihrov and director of local television station Ant Igor Bondar were shot and killed in Odessa.

Abuse of prisoners and detainees, and harsh prison conditions, sometimes led to death (see Section 1.c.). According to revised government statistics, in 1998 there were 1,901 deaths in prison and detention facilities, many due to harsh conditions. There were reports that police beat persons at alcohol corrective treatment centers, sometimes killing them (see Section 1.c.).

Members of the military killed soldiers during violent hazing incidents (see Section 1.c.). According to a government official, in 1998 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing.

The Government made no known progress in resolving a number of the high profile killings of past years. There was no progress in resolving the 1998 murders of former director of the National Bank Vadym Hetman; deputy head of the Crimean government Aleksandr Safontsev; the mayor of Shakhtersk; or the campaign manager of a Kiev mayoral candidate. Nor was there progress in resolving the 1997 murders of the governor of the Razoolnensky district; the Crimean deputy minister of tourism and resorts; prominent businessman Arkadiy Tabachnyk; or the bombing of the intensive care unit in Simferopol.

b. *Disappearance.*—There were no reports of politically motivated disappearances. The 1996 alleged kidnapping of the former speaker of the Crimean legislature was discovered by investigators to have been staged. The 1994 disappearance of Myhailo Boichyshyn, a prominent leader of the Popular Movement of Ukraine party, remains unsolved.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, police and prison officials regularly beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International (AI) and other human rights groups continued to receive regular reports that Berkut (special militia units or riot police) troops beat and tortured inmates as part of regular training exercises. The media report that police subject detainees to the "swallow," in which the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is

the "baby elephant," in which a gas mask is placed on the prisoner's head and the flow of oxygen slowly reduced. A human rights group from Cherkassy reported that in May a detainee died from injuries sustained during police torture using a method called the "monument," in which a prisoner is suspended from his hands on a rope and beaten. Requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to one. There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions. Prisoners may address complaints to the Human Rights Ombudsman, and that office has received widespread reports of torture in pretrial detention. However, the Ombudsman has no enforcement authority, and the Government made little effort during the year to end such practices or to punish officials who committed or abetted such abuses. According to the Office of the Human Rights Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. In July a human rights group complained that the Ombudsman failed to investigate whether special police units beat prisoners during regular exercises in jails. Instead, the Ombudsman forwarded the petition to the penal administration. On December 1, the Parliament passed an amendment to the Criminal Code that prescribes up to 15 years' imprisonment for torture.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons (see Section 5). Police also harassed journalists and refugees (see Sections 2.a. and 2.d.).

In April 1998, the Government created a penal department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the oversight of the Ministry of Interior but was given the status of an independent government agency by presidential decree in March. However, human rights groups report that this change in status has not affected its practices. The Government failed to punish prison and police officials who committed or condoned violence against prisoners. Police corruption also remains a serious problem.

Several politically active individuals were wounded in violent attacks. On October 2, leading presidential opposition candidate Natalia Vitrenko was lightly wounded (and others more seriously hurt) in a murder attempt when two grenades were thrown at her during a visit to Kryvyi Rih in the southeast. More than 30 persons were injured in the explosions, including members of Vitrenko's campaign staff, and 17 were hospitalized, 2 of them with critical injuries. Local police detained two suspects, one of whom allegedly is linked to the local campaign headquarters of Socialist Party presidential candidate Moroz. In April senior official of the Kiev municipal government Mykola Pidmogylny was shot and wounded seriously outside his house. On August 27, unknown assailants beat up Hennadiy Fomenko, head of Socialist Party leader Moroz's election headquarters in Luhansk oblast (province). The local police reported that they did not believe that the attack was motivated by politics. However, Moroz supporters alleged that the incident, which coincided with the visit of President Kuchma to Luhansk, was an attempt by the local government to intimidate the opposition. In October a Rada deputy for the Communist Party was beaten after attending a campaign event for Communist Party candidate Petro Symonenko in Donetsk, and a Symonenko campaign official was attacked and seriously wounded in Kiev, according to another Rada deputy. On November 23, Vinnytsia mayor and former parliamentarian and Vinnytsia oblast governor Dmytro Dvorkis was shot and wounded by unknown gunmen in Vinnytsia.

Many members of the press were hurt in violent incidents throughout the year. In February Sergey Korenev, a cameraman for the independent television station STB, was attacked in Lviv by unknown assailants, who also stole his equipment and videotapes. On March 3, two masked individuals broke into the Kiev residence of Dmitro Dahno, the commercial director of STB, assaulted him and his wife, threatened them with a knife, and held them for more than 1 hour. The two men searched the apartment, apparently looking for documents, while ignoring money and other valuables. In June in Odesa unknown individuals beat Ihor Hrinstein, a journalist for the local Odesa television company Odesa-Plus and host of its news program Oko. Hrinstein linked the beating to Oko's policy of criticizing local authorities and giving broadcast time to Rada deputies who oppose President Kuchma. Hrinstein is the latest of several Odesa journalists who have been beaten allegedly in connection with their reporting.

In January the office of the Tatar Assembly Mejlis was firebombed in Simferopol. No suspects were identified, but Tatars blamed Russian chauvinists. On May 23, a bomb exploded in the office of local Communist Party leader Leonid Hrach in Simferopol, Crimea. The explosion did not result in any casualties. Hrach called the act a provocation intended to exacerbate tensions between leftists and Crimean Tatars, who had been picketing the government building in Simferopol. At a press con-

ference in June Socialist Party leader Moroz reported that his party's headquarters in Dnipropetrovsk had been destroyed by fire. On August 14, during a meeting between presidential candidate and former Prime Minister Yevhen Marchuk and local residents who had lost their savings in pyramid schemes, the chief of the local police department ordered that the building be evacuated because of an anonymous bomb threat. No bomb was found and Marchuk accused the presidential administration of being behind the incident.

There were continued reports of harsh conditions and violence against conscripts in the armed forces. Senior officers reportedly required malnourished recruits to beg for food or money. Senior conscripts often beat recruits, sometimes to death (also see Section 1.a.). Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues; and approximately 200 military personnel were prosecuted in 1998 for violent hazing (10 to 12 conscripts were beaten to death and 20 to 30 died from injuries related to hazing). The press reported the conviction of three soldiers in late 1998 for violent hazing of their colleagues at the Defense Ministry Headquarters.

Disputes between religious groups at times resulted in violence. For example, in April there was a violent scuffle between supporters of the Ukrainian Orthodox Church (Moscow Patriarchate) and the entourage of Patriarch Filaret of the Ukrainian Orthodox Church (Kiev Patriarchate)—see Section 5.

There was no improvement during the year in prison conditions, which are harsh, life-threatening, and do not meet minimum international standards. Prison officials intimidate and mistreat inmates. Due in part to the severe economic crisis, prisons and detention centers are severely overcrowded and lack adequate sanitation and medical facilities. At the request of the President, the Parliament endorsed in July a mass amnesty that released 40,000 inmates, due to overcrowding. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates were convicted of only minor violations.

Conditions in pretrial detention facilities routinely fail to meet minimum international standards. Inmates sometimes are held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding is common in these centers. For example, the pretrial detention center in Kiev, which was constructed to hold 2,850 persons, houses 3,500. According to official statistics, as of June, the prison population was 223,900 (including 42,600 persons in pretrial custody), twice that of 1992.

According to official sources, information on the physical state of prison walls and fences as well as pretrial detention blocks is considered to be a state secret. However, the press reports freely about harsh prison conditions. In 1998 there were 1,901 deaths in prisons and detention facilities, which was more than 3 times the death rate of the general population. Poor sanitary conditions result in deaths from diseases such as tuberculosis and dysentery, and there are frequent incidents of murder by fellow inmates and suicide.

Conditions in the Interior Ministry's Corrective Labor and Treatment Centers for Alcoholics (LTP's), where violent alcoholics are confined forcibly by court decision, differ little from those in prisons. Virtually no treatment is available. According to 1998 statistics, 12 LTP's with some 3,800 inmates continued to operate. The Government has not lived up to its earlier commitment to hand the LTP's over to the Health Ministry. Police have the right to take forcibly any person appearing drunk in public to special sobering centers. Human rights groups report cases of police mistreatment, robbing, or beating of detainees, occasionally to death, at such centers. In August the Government issued a decree directing the closure of such centers by 2000.

The Government continued to allow prison visits by diplomatic representatives and human rights monitors; however, these groups reported that it had become more difficult to obtain access to prisons. Cases were reported in which prisoners were not permitted correspondence and family visits were allowed only once per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remain problems. The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The Constitution stipulates that only courts may issue arrest warrants, but under its transitional provisions, the Prosecutor's Office retains the right to issue search and arrest warrants until 2001. The maximum period of detention after charges have been filed is 18 months, but the law does not limit the aggregate time of detention before and during a trial.

The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members about an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after indictment, but this requirement rarely is met by the overburdened court system. Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases can take years to go to trial. Although the 1996 amendment to the Criminal Procedures Code provides for bail, it is used rarely. Restrictions on travel outside of a given area sometimes are employed. Accused persons usually are held without bail in pretrial detention for several months. As of June, there were 223,900 prisoners, 42,600 of whom were persons held without bail in pretrial detention. The Constitution provides compensation for unlawful or arbitrary arrest, detention, or conviction, but there are no known cases in which this provision was invoked. Reports indicate that this inaction is a result of lack of faith in the judiciary, rather than the absence of unlawful or arbitrary detentions.

The law stipulates that a defense attorney be provided without charge to the indigent from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system remains in principle, public attorneys often refuse to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups report that the client-attorney privilege occasionally is denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures. However, many persons still were unaware of these safeguards.

The Government occasionally charges persons who are openly critical of the Government (usually opposition politicians or editors/journalists from the opposition press) on criminal libel or tax evasion charges (see Section 2.a.). On January 15, Ministry of Internal Affairs officials arrested Volodymyr Yefremov, editor in chief of the Dnipropetrovsk oblast council newspaper Sobor and held him for 2 days. Yefremov was charged with abuse of office for alleged financial improprieties that reportedly came to light during a spot check on the newspaper's financial activities. Observers believe the arrest to have been politically motivated since the oblast council was headed by presidential rival Pavlo Lazarenko before he became prime minister, and Lazarenko was known to have contributed substantially to the newspaper's finances. On February 25, Peter Hois, the editor of the Uzhgorod newspaper Rio, was detained for 2 days for criminal libel in connection with statements that were never printed. The newspaper was to publish a statement by one of the newspaper's investors accusing various Rada deputies of abusing their positions. However, although Hois edited the original statement and deleted the specific names and accusations, the Prosecutor General still used the original text as the basis for Hois's arrest (see Section 2.a.).

On May 19, police officers in Mukachevo detained some 70 persons, primarily Roma, in a local market for illegal trading. After being kept in an overcrowded police bus for approximately 1 hour, the detainees were forced to wash the police department automobiles and to perform yardwork around the police station, while they were abused verbally by police officers. The detainees were held for 2 days, and none of the Roma was charged formally with a crime. On May 24, 16 of the Roma filed complaints against the police officers. On July 7, five police officers in Mukachevo detained three Romani women in a market, after they did not produce their identification documents. The officers took the women to the police station, where they ordered them to clean the station and threatened to lock them in cells if they refused to cooperate. When a leader of a Romani NGO arrived at the station and demanded an explanation, the women were released. The women wrote letters complaining about their treatment to the regional director of the Ministry of Interior and the regional prosecutor general.

In May three Baptist ministers were arrested in Kegichevka, as they were beginning a "tent mission."

Police also arbitrarily detain persons for extensive document checks and vehicle inspections (see Section 1.f.).

Official corruption is widespread. The Government apparently enforced anticorruption statutes selectively for political ends. While anticorruption statutes are applied increasingly against lower-level officials, such enforcement reportedly is

lacking against high-level officials. A number of people arraigned on criminal and corruption charges claimed that they were victimized because of their support to the fugitive former prime minister and government opponent Pavlo Lazarenko. Former government officials Petro Shkudun, Mykola Syvulsky, and Vasyl Koval all claimed that their cases were politically motivated by their links to Lazarenko. As of October, the first two were out on bail, and the latter was in custody pending trial on corruption charges.

In March four Uzbeks, two of them Uzbek oppositionists, were detained in Kiev and deported without a hearing to Uzbekistan, where they were convicted of terrorism and subversion and sentenced to 15 years. They were denied access to an attorney (see Section 2.d.).

The law does not provide for exile as a punishment, it does not exist in the law, and the Government does not use it.

e. *Denial of a Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice, the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which allows the Government to influence the judicial process. The presidential administration also reportedly continues the old Soviet tradition of weighing in by telephone directly with justices.

The establishment of an independent judicial system provided for in the Constitution still awaits the passage of implementing legislation. As a result, the judiciary continues to operate according to Soviet principles. Most judges and prosecutors were appointed during the Soviet era, and court officials are attuned closely to the Government's interests. The High Judicial Council, which approves the appointment of judges and disciplines judges, consists primarily of senior executive branch representatives including the Prosecutor General and the Chairman of the State Security Service. Human rights lawyers claim that the judiciary is not free from government influence, particularly at the regional and local levels. For example, court chairmen are appointed directly by the executive and wield considerable influence over the outcome of a case through case assignments, control of staff and promotions, and control of social benefits available to judges. Court chairmen reportedly deliberately overburden independent-minded judges with too many cases and then instigate disciplinary actions against them for not completing their casework. There are credible reports that court chairmen regularly followed executive instructions. The Ministry of Justice and court chairmen also control judges' housing. Judges whose rulings are not in accord with the executive branch are provided with apartments far from city centers or are ignored altogether when new apartments become available.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption. The court system receives all its funding from the Ministry of Justice. Budgetary funds allocated by the Government in 1999 covered only half of the judiciary's requirements for the year. In June the Supreme Court challenged in the Constitutional Court the legality of the Government's practice of arbitrarily limiting the judiciary's budget. In its petition, the Supreme Court complained that the district courts received only 51 percent of required funding, military courts 33 percent, and oblast courts 62 percent. In July the Constitutional Court ruled that the Government's practice of limiting the judiciary's budget was unconstitutional. This attempt by the Government to cut the judiciary's budget, and similar attempts in recent years, demonstrated clearly the dependence of the court system on the executive and the Government's willingness to make use of that dependence.

The authority and independence of the judicial system also are undermined by the poor record of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely are used. Compliance is particularly poor if the decision clashes with government interests. The Prosecutor General, Head of the Supreme Court, chairmen of regional courts, and the chairmen of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption.

Many local observers regard the Constitutional Court as the country's most independent judicial body. Human rights groups state that overall the Constitutional Court has maintained a balance of fairness, despite some indication in 1998 that it may have had a propresidential bias.

The 1996 Constitution provides for a thorough restructuring of the court system, to be accomplished by 2001, including the introduction of appellate courts; however, pending the passage of the required enabling legislation on the law on the judiciary, the court system still is organized along Soviet lines, with the exception of the Constitutional Court.

The court system consists of the Constitutional Court, general jurisdiction courts, and arbitration/commercial courts. General jurisdiction courts and arbitration courts are organized according to three levels: District courts; regional courts; and the Supreme Court and Supreme Arbitration Court. General jurisdiction courts are divided into criminal and civil sections. Military courts only hear cases involving military personnel.

The Constitutional Court consists of 18 members, appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. It is the ultimate interpreter of legislation and the Constitution and determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Human Rights Ombudsman, and the Crimean legislature can request the Constitutional Court to hear a case. Citizens may apply to the Constitutional Court through the Human Rights Ombudsman, although in practice the Ombudsman has yet to exercise this right. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision is violated, or that it is interpreted differently by different government bodies. However, of some 8,000 such petitions only 4 were accepted for review as of January.

Under the current court system, cases are decided by judges who sit singly, occasionally with two public assessors ("lay judges" or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some qualifications, these requirements are upheld in practice. However, implementing criminal procedure legislation establishing juries has not been adopted. Complicated cases can take years to go to trial. In the interim, defendants usually wait in pretrial detention. The 1996 amendment to the Soviet-era Criminal Procedures Code provides for bail, but to date it has been used rarely (see Section 1.d.).

Organized crime elements also are widely alleged to influence court decisions. The Justice Ministry reported that in 1997 135 judges were disciplined, 22 dismissed, and 5 prosecuted for bribery. No higher court judge has been disciplined to date. Criminal elements routinely use intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives. However, it has not yet been formed, and trial participants are vulnerable to pressure. There is a witness protection law, but it is in abeyance because of lack of funding.

Prosecutors, like the courts, also are organized into offices at the rayon, oblast, and republic levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General.

Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are much more influential. The procuracy, in its pretrial investigative function, acts in effect as a grand jury. A prosecutor may initiate investigation through his own office or conduct investigations initiated by the Ministry of Internal Affairs or the SBU. Prosecutors also have the right to issue warrants without court approval and to suspend court decisions, thus effectively placing the procuracy above the courts in the legal hierarchy. In several cases the procuracy has used its judicial review powers to annul court decisions unfavorable to the presidential administration's economic or political interests and ordered the case reexamined by a different court. The office of the Prosecutor General practices selective prosecution and initiates investigations against the political or economic opponents of the President and his allies. The Prosecutor General ignores parliamentary and court requests for investigations into high-ranking persons if the accused is a presidential ally.

The Constitution considerably curtails the prosecutor's authority, limiting it to prosecution, representing the public interest in court, oversight of investigations, and implementation of court decisions. However, in the absence of new criminal and criminal procedure codes to implement constitutional restrictions, the transitional provisions of the Constitution permit the prosecutor's office to conduct investigations and oversee general observance of the law. In November 1997, the Constitutional Court interpreted the procuracy law, ruling that citizens can dispute prosecutors' decisions in court.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives. However, pending passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remains in place. While the de-

fendant is presumed innocent, conviction rates have changed little since the Soviet era. Nearly all completed cases result in convictions.

According to official statistics, in the first half of 1999, there were 114,600 convictions, between 36 and 39 percent of which resulted in prison sentences. A total of 494 defendants were acquitted, which is up 11 percent from the corresponding period last year. However, as judges frequently send cases unlikely to end in conviction back to the prosecutor for "additional investigation" (which usually leads to the dropping of the case), these statistics are somewhat misleading. Additionally, evidence indicates that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them.

The Dnipropetrovsk trial of former government opponent Leopold Taburiansky, who spent several months in pretrial detention in 1996 for repeatedly holding unauthorized demonstrations on behalf of duped clients of pyramid schemes, has been suspended indefinitely. Human rights groups believe that this illustrates a pattern of government use of such suspended criminal cases against opponents or their close associates to silence critics.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Authorities infringed on citizens' privacy rights. Although the Constitution requires that courts issue search warrants, this provision has not yet been implemented, and prosecutors continue to issue search warrants. The SBU may conduct intrusive surveillance and searches without a warrant, with the consent of the Prosecutor General, who nominally oversees this function of the SBU. However, the extent to which the Prosecutor General utilizes his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation. However, this right does not exist in practice, because the necessary implementing legislation has not been passed.

Some remnants of Soviet control mechanisms persist. There are no probable cause statutes, and police officials and militia personnel have the right to stop persons and vehicles arbitrarily to initiate extensive document checks and vehicle inspections. Police may detain a person arbitrarily for up to 3 hours to verify identity. There have been reports that police sometimes abused this right. For example, police detained the local leader of the opposition Socialist Party in Cherkassy for an identity check to disrupt a local leftist demonstration in August.

Journalists whose news reports are critical of the Government or who covered opposition politicians reported that frequently they were followed by SBU agents and that their telephones were wiretapped (see Section 2.a.).

Under the current "propiska" registration system, all internal passports contain a stamp indicating residence and matrimonial status (see Section 2.d.). The Government has indicated its intent to eliminate the propiska system, but little progress has been made to date.

The Law on Public Organizations prohibits members of the police, SBU, and armed forces from joining political parties. Prior to the March 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b).

There were no reported cases of political abuse of psychiatry; however, the press and human rights groups have reported several cases of abuse of psychiatry for economic reasons. Persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entail the corruption of psychiatric experts and court officials. The country still uses Soviet classifications of mental illness and has no law on psychiatric practice. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. A new law on psychiatry was stalled in Parliament after having been passed on first reading in 1998. In the meantime, the 1988 old Soviet psychiatric regulation remains in force (there are some 1.2 million registered psychiatric patients in the country). Within 3 days after forcible confinement to a hospital a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within half a year. According to the Ukrainian Psychiatric Association, the Health Care Ministry has not always cooperated with human rights groups attempting to monitor abuse of psychiatry.

A presidential decree issued in June required that all communication companies and Internet providers be licensed, and that their equipment be fitted for wire-

tapping (implicitly by the security services). However, this decree was blocked by Parliament in September (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution and a 1991 law provide for freedom of speech and of the press; however, in practice the Government partially limits freedom of the press through tax inspections, libel cases, subsidization, and intimidation of journalists that leads many to practice self-censorship. The Government owns or controls most of the national radio and television channels; however, there is a wide variety of newspapers and periodicals available, which espouse different political points of view, and individuals can and frequently do criticize the Government without reprisal. Government attempts to control the press are reported by the media.

The print media, both independent and government-owned, demonstrate a tendency toward self-censorship on matters sensitive to the Government. Private newspapers have been established and are free to function on a purely commercial basis, although very few turn a profit. However, they are subject to various pressures, such as control of access to affordable state-subsidized newsprint; dependence on political patrons who may facilitate financial support from the State Press Support Fund; close scrutiny from government officials, especially at the local level; and politically motivated visits by tax inspectors. In 1997 the President issued a decree on support of the press that requires the Cabinet to draw up a list of publications needing government support, including those published by central and local governments, public organizations, associations, unions, educational institutions, and newspaper employees. The journalistic community believed that this decree was intended to control the press by supporting loyal members. The dependence of much of the press on government patronage has inhibited criticism particularly at the local level. The State Committee for Information Policy has warned some periodicals against fomenting ethnic tensions and conducting antistate propaganda and has applied to the Prosecutor's Office to open investigations into those newspapers. However, no newspapers are known to have been prosecuted as a result.

The Committee on Protection of State Secrets enjoys broadly defined powers over all media. In 1997 the Cabinet adopted a regulation that further defined state secrets to include information on executions, the state of prisons, pretrial detention blocks, and centers for the forcible treatment of alcoholics. (The "state of prisons" refers to the physical state of the prison walls and fences, not prison conditions.) The press is able to report about harsh prison conditions without any inhibition. Journalists report that, in general, the Committee has not interfered with their activities (see Section 1.c.).

The Government, both central and local, regularly targeted opposition newspapers with unannounced tax inspections or fire and building code inspections. Prior to the October 31 presidential election, the Government forced at least one opposition newspaper, Polytyka, to close. The June closure, following protracted litigation and government harassment for allegedly violating secrecy statutes, was Polytyka's fourth closure in 13 months. Between March and June the newspaper also was forced to change printing houses seven times. Government officials have initiated more than 20 criminal and civil libel cases against Polytyka's editor, Oleg Lyashko, asking for more than $40 million (220 million hryvnia) in damages. In one of two criminal libel cases pending against Lyashko for slandering the President and his staff, Lyashko was acquitted on December 23. The court stated that there was no evidence that a crime had been committed and that the preliminary investigation had been biased. However, on December 28 Prosecutor General Mikhaylo Potebenko announced the suspension of Lyashko's acquittal. The case reportedly was to be reconsidered in 2000. In September a deputy regional governor requested prosecution of the local Socialist Party newspaper Pravilny Vybor for the alleged defamation of the President and regional governor following publication of reports critical of the Government. In the summer, Lviv oblast authorities subjected the anti-Semitic newspaper Za Vilnu Ukrainu to tax inspections, fire inspections, eviction notices, the cutting of its telephone lines, and police harassment. The harassment began after the newspaper announced its support for presidential candidate and former Prime Minister Yevhen Marchuk. Den, another newspaper that supports Marchuk, was subjected to 25 tax inspections between January and July.

Kievskiye Viedomosti suspended publication on February 21, citing lack of funds, after months of government pressure against it. The newspaper's accounts had been frozen since October 1998 for alleged lease contract violations. Kievskiye Viedomosti resumed publication on April 22 under new management. Presidential ally Hrihoriy Surkis bought the newspaper and replaced its editor.

On June 1, the Parliament adopted a resolution on the media calling for investigations into all complaints of harassment of non-state media outlets by the Tax Inspectorate, the Prosecutor General's Office, or the presidential administration.

Government officials also frequently use criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to punish critics. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code prescribes imprisonment of up to 3 years for libel. There is no distinction between private individuals and public officials (except for the President), nor is there a limit to the amount of damages that may be awarded. Consequently, any journalist who publishes an article critical of a public official risks being sued for damages. Additionally, the Prosecutor General can file criminal libel charges. According to Ministry of Justice statistics, 123 persons were convicted in 1998 for criminal libel. Of these, seven cases resulted in prison sentences. According to the Union of Journalists of Ukraine, journalists lose two of every three cases against them in the courts. Journalists complain that because the law does not limit damages, it can be used to drive opposition newspapers out of business.

On occasion fines were so large that accounts were frozen and equipment confiscated by the Tax Inspectorate to enforce payment. It is clear that a large number of libel and personal dignity suits are motivated politically. Moreover, even when the actions of the Tax Inspectorate are overturned by subsequent court decisions, the damage to the newspapers' finances can be irreparable. Their accounts remain frozen until all appeals are completed. Independent newspapers face further financial pressure as they try to compete with propresidential newspapers, which are sold at a price significantly below cost. Newspapers aligned with the presidential administration reportedly often are financed by wealthy presidential allies. The threat of multiple lawsuits for large amounts of money also was used to pressure owners of opposition newspapers to sell their shares to their political opponents.

On February 25, Peter Hois, the editor of the Uzhgorod newspaper Rio, was detained for 2 days for criminal libel in connection with statements that were never printed. The newspaper was to publish a statement accusing various Rada deputies of abusing their positions. However, Hois deleted the specific names and accusations, but the Prosecutor General used the original text as the basis for Hois's arrest (see Section 1.d.).

Journalists sometimes were subjected to physical attack related to their professional activities. Some journalists reported threats of arrest or assaults when investigating crime and official corruption (see Section 1.c.). The intermeshing of organized crime and many public officials makes it difficult to assess whether these attacks and threats were motivated politically.

Despite government pressure and media self-censorship, the variety of newspapers and periodicals on the market, each espousing the view of its respective sponsor, provides a variety of opinion. Foreign newspapers and periodicals circulate freely.

The broadcast media, the primary source of news and information for most citizens, are either state-owned or, in the case of private stations, subject to pressure from the Government, which took steps during the year to strengthen its control over this sector. In 1998 the Government handed over state-owned broadcasting and transmission facilities from the Derzhteleradio (State Committee for Television and Radio) directly to the Information Ministry (later reorganized as the State Committee for Information Policy). The President and the Parliament each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. However, as of October, President Kuchma had not named his half of the eight-member National Television and Radio Council. The Rada named its four members, but the President claimed that the vote was conducted with procedural irregularities. The inability of the Council to achieve a quorum provided the Government with virtually unchallenged control over media licensing prior to the presidential election.

Other state agencies took advantage of the lack of a working Council to harass opposition stations. For example, the frequency of arbitrary tax inspections increased considerably without a working council. The State Electro-Communications Inspectorate increased the fees for broadcast frequencies tenfold in the early summer without the prior approval of the Council. Fee increases disproportionately affect independent stations, since state channels are permitted to ignore payment of their frequency fees. The law entitles private and foreign companies to obtain a license to establish and operate their own transmission facilities.

Prior to the October 31 presidential election, the Government stepped up pressure on the broadcast media, using tax inspections and other measures, and forced at least five local television stations (four in the Crimea and one in Dnipropetrovsk)

to close. Numerous sources charge that the administration has used government agencies, particularly the Tax Inspectorate, to pressure the opposition media and businesses supporting its political opponents. During the year, the independent television station STB, one of the more balanced and independent media outlets, faced increasing harassment by government entities and was threatened with closure if it did not cede financial and editorial control to presidential supporters. In February and March STB staff members suffered various attacks: A cameraman was beaten and his equipment and videotapes stolen; masked individuals assaulted the station's commercial director and his wife in his home; the president of the board of directors received telephone threats; and burglars robbed the home of the station's news director, stealing videotapes, computer disks, and documents (see Section 1.c.). In March Ukrcreditbank, which is controlled by an ally of President Kuchma, announced a lawsuit of approximately $1.3 million (5 million hryvnia) against STB for an expose the station ran on a factory privatization in which the bank played a role. On May 28 and June 7, the Ukrainian Frequency Supervision Agency ordered STB to discontinue the satellite uplink for broadcasting programming to its regional affiliates. STB ignored the order, which would have resulted in the loss of half of its viewers, since it did not believe that the order was legal. On August 26, the State Tax Administration froze STB's bank accounts for failure to pay sufficient taxes. This action caused serious financial hardship for the station, and it was forced to cancel its political programming. As of October, STB had changed its programming to take a more pro-Kuchma approach but continued to suffer from official pressure.

On March 9, the Dnipropetrovsk oblast transmission center, acting on instructions from the regional directorate of the State Electronic Communications Inspection, ceased broadcasting Channel 11, one of the city's more popular local television stations. The center claimed that Channel 11 did not have proper documentation or appropriate permits. On orders from an oblast official, the broadcast antenna on the station's roof was removed and its journalists were told to vacate the station's premises, allegedly without a warrant. The station resumed broadcasting on March 18 after it was acquired by Viktor Pinchuk, a Rada deputy, unofficial presidential advisor, and owner of the country's largest and most influential daily, Fakty.

On July 26, the State Electronic Communications Agency ordered a state-owned broadcast center to cease transmitting the signals of four independent Crimean television companies, including the popular Black Sea television station, reportedly because the broadcast center lacked the proper permits. The four stations believe that the move was intended to prevent coverage of opposition presidential candidates.

The presidential campaign saw a marked imbalance in coverage of candidates on national television and radio channels (except the STB television channel). Opposition presidential candidates received very limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels. According to a Rada-sponsored media monitoring group, President Kuchma appeared on national television more than twice as often as any other candidate. On July 28, three leading contenders, Yevhen Marchuk, Oleksandr Moroz, and Oleksandr Tkachenko, publicly charged that their supporters had been harassed and intimidated and that media outlets had been closed to restrict coverage of their campaigns. Despite vehement protests from the Rada, in May the state-controlled National Television and Radio Company suspended live radio broadcasts of parliamentary sessions, which had been broadcast since 1990. (Of the 15 presidential candidates, 13 were Members of Parliament.) Radio broadcasts of Rada sessions resumed in early October on a small, private Kiev station.

There is no known government censorship of books, film, or theater.

While major universities are state owned, they operate for the most part under full autonomy. However, academic freedom is an underdeveloped and poorly understood concept. Nepotism and bribery reportedly are common during entrance exams and also influence the granting of degrees. Administrators of universities and academic and research institute directors possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. This atmosphere tends to limit the spirit of free inquiry. Restrictions by the Communications Ministry on the mailing of scientific documents also have caused concern.

The State Secrets Committee maintains offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. An April 1998 presidential edict allows only government-designated contractors to provide Internet access at state institutions that have such censorship offices. Human rights groups fear that this may limit the freedom of information for universities and scientific research institutes. Another presidential decree in June required that all communication companies and Internet providers be licensed

and that their equipment be fitted for wiretapping (implicitly by the security services). However, this decree was blocked by Parliament in September (see Section 1.f.).

All private and religiously affiliated universities operate without any reported state interference or harassment.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly, and the Government generally respects this right in practice; however, there were some instances in which this right was restricted. The 1988 law on public assembly circumscribes freedom of assembly by stipulating that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The Criminal Code prescribes up to 6 months in prison, 1 year of corrective labor, or a fine for repeatedly staging unauthorized demonstrations. The 1996 Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance; however, authorities insist that all demonstrations meet the restrictive requirements of the 1988 law. Under the 1988 law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations are common, and most but not all occur without police interference, including fines or detention; however, there were no reports of cases of interference during the year. In March the leader of a pro-Russian group in Dnipropetrovsk was jailed for 3 days for repeatedly holding unauthorized pro-Russian demonstrations.

The Dnipropetrovsk trial of former government opponent Leopold Taburiansky, who spent several months in pretrial detention in 1996 for repeatedly holding unauthorized demonstrations on behalf of duped clients of pyramid schemes, has been suspended indefinitely. Human rights groups believe that this illustrates a pattern of government use of such suspended criminal cases against opponents or their close associates to silence critics. Communist groups complain that the authorities fail to punish Ukrainian nationalist groups who harass them during their demonstrations. Ukrainian nationalist groups in turn complain that the authorities do not protect them from harassment by Communist groups.

The Constitution, law, and government regulations restrict freedom of association to varying degrees. These restrictions generally apply to organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred, or which threaten the public order or health.

A government requirement that a political party have representatives in at least half of the country's regions in order to register officially has limited the ability of Russian, Crimean, Tatar, and Romanian groups to organize (see Section 3).

The Ministry of Justice, with the Prosecutor General's consent, has the authority to warn, fine, or suspend operations of political parties for illegal operations. Suspension can be for up to 3 months and can be extended for 6 months upon the Ministry's request.

In 1998 the Constitutional Court invalidated the 1993 Crimean law on citizens' associations, thus outlawing regional Crimean parties. A 1992 law on public organizations prohibits the State from financing or materially supporting political parties. According to this law, political parties may not receive funds from abroad or maintain accounts in foreign banks. The law prohibits police authorities, members of the SBU, and armed forces personnel from joining political parties.

Prior to the 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 1.f.).

Freedom of association also is restricted through a strict registration requirement that lends itself to political manipulation and corruption; however, in practice such regulations seldom are employed to restrict this freedom. Groups must register with the Government to pursue almost any purpose. The Ministries of Internal Affairs, Justice, Economy, and Foreign Economic Relations, as well as the State Committees on Religion and Broadcasting and other government bodies have registration functions and used this power to limit freedom of association (see Sections 1.d. and 2.c.).

For example, after almost a year of attempting to register as a national organization, a Luhansk-based group for the protection of gay rights finally succeeded in registering in November. According to group representatives, local officials indicated that the group was not registered because it was a gay rights group.

Groups must be registered with the Government to engage in almost any activity, whether commercial, political, religious, or philanthropic. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts.

The registration law gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its

charter, but the party is not required to notify authorities of all its meetings. A change in the group's charter necessitates reregistration.

A registered group may not duplicate any function or service that the Government is expected to provide. For example, human rights lawyers who wish to represent prisoners are prohibited from establishing an association because the Government is required by the Constitution to provide lawyers for the accused. However, this requirement is not always enforced. In the mid-1990's, AI was refused registration under the pretext that human rights protection is the function of the State. It continued to apply and eventually was registered. Lack of registration has several important disadvantages. Unregistered groups are prohibited from having bank accounts, acquiring property, or entering into contracts.

c. *Freedom of Religion.*—The Constitution and the 1991 Law on Freedom of Conscience and Religion provide for separation of church and state and the right to practice the religion of one's choice; the Government generally respects these rights in practice, with the exception of some nonnative religions, which experienced difficulties registering, buying, or leasing property. The Government generally permits religious organizations to establish places of worship and to train clergy. The Government has continued to expedite allotment of land plots for construction of new houses of worship and to return religious buildings and sites to their former owners.

Although the Government's protection of religious freedom had deteriorated for nonnative religious organizations (defined as all organizations other than Orthodox, Greek Catholic, and Jewish) in recent years, nonnative religions reported less difficulty in obtaining visas and registering during the year. The Government does not discriminate against individual believers of nonnative religions, but their organizations faced ongoing difficulty in carrying out their activities during the year. However, through burdensome licensing requirements and informal means, local authorities restricted nonnative religions as well as Christian denominations other than Greek Catholic and Orthodox. The Government took steps to return to religious groups properties expropriated during the Soviet era.

A 1993 amendment to the 1991 Law on the Freedom of Conscience and Religion restricts the activities of nonnative, foreign-based, religious organization. The amendment narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, administer religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." Although the Church of Jesus Christ of Latter-Day Saints had complained in 1998 that this restriction prevented the transfer of its missionaries between cities, during the year church leaders reported no difficulties in transferring missionaries between cities.

All religious organizations are required by the 1991 religion law to register with the State Committee on Religious Affairs. If a group chooses to register as a national organization it must register with the central office of the State Committee for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where they are located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. This process is supposed to take not more than 1 month (or 3 months in cases in which either the central or regional Committee decides that an expert opinion is necessary to determine the legitimacy of a group applying for registration). However, this requirement often is not met. The regional offices also supervise the compliance of religious organizations with the provisions of the law. Some nonnative religious organizations credibly reported that, especially at the local or regional levels, officials of the State Committee refused to register their organizations for protracted periods, thus effectively delaying their activities and limiting freedom of association (see Section 2.b.). However, there were fewer reports than in prior years of nonnative religious groups experiencing such registration problems.

Native religious organizations, especially the Orthodox church in the central, southern, and eastern regions of the country and the Greek Catholic Church in the west, exerted significant political influence at the local and regional levels and pressured local officials not to register nonnative religious organizations or to allow them to rent or purchase property. Each of the two dominant denominations, within their respective spheres of influence, also reportedly pressured local officials to restrict the activities of the other.

The ongoing dispute among competing Orthodox Christian administrative bodies claiming to be "the Ukrainian Orthodox Church" remained deadlocked. The Government has been unable to stop disagreements between the Orthodox believers and

Greek Catholics in the western part of the country, where the two communities are contentious and often engage in bitter disputes over church buildings and property in over 600 localities. The Kiev Patriarchate of the Orthodox Church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments turned a blind eye to the appropriation of its churches in the Ukrainian-speaking western region. In April Patriarch Filaret of the Ukrainian Orthodox Church of Kiev Patriarchate and his followers were assaulted by supporters of the Moscow Patriarchate in Mariupol (see Section 5). A planned tour of the country by the Moscow Patriarchate was canceled at the request of President Kuchma due to security concerns.

According to the State Committee for Religious Affairs, the transfer of most places of worship back to their original owners according to a 1992 decree on restitution was nearing completion at year's end. In 1996 and 1997, 105 buildings were returned; in 1998 92 were returned; and in 1999 103 were returned. There still were about 380 former houses of worship that were used for nonreligious purposes, but 275 of them were not claimed by religious groups. In the fourth quarter of the year, local authorities in the oblasts of Dnipropetrovsk, Donetsk, Zakarpatia, Lviv, Mykolayiv, Odesa, Poltava, Sumy, Ternopil, and Chernivtsi, as well as in Sevastopol, returned 42 former houses of worship to religious groups.

Numerous Jewish congregations have negotiated successfully with local authorities for worship space. In 1996 a Kiev arbitration court decided in favor of transferring the title of the former Kiev Central Synagogue, which in Soviet times was used as a puppet theater, to a Chabad Hasidic congregation. By December 1997, the puppet theater had vacated the building, and in the spring of 1998 the building reopened once again as a synagogue. The decision set an important precedent for the judiciary's role in religious property restitution. According to Jewish community representatives, progress on restitution was frozen for the first few months of the year but resumed thereafter at a rate satisfactory to Jewish community leaders. For example, a synagogue was returned in Poltava oblast in the fourth quarter of the year.

The pace of restitution of Christian churches has slowed in recent years, since the buildings that remain in state possession tend to be prime properties currently being used as museums, concert halls, or city halls. All religions have enjoyed equal opportunity to regain control over former community property. Problems in obtaining restitution result from inadequate legislation, bureaucratic inertia, and the difficulty of locating alternative quarters for current occupants. In February a presidential order instructed all local governments to complete the handover of former religious property whenever possible by the end of the year and banned privatization of religious communities' property. The Committee attributed delays in returning other properties to lack of funds and the difficulties involved in finding alternative space for current users.

Nonetheless, a number of religious properties were returned to Christian churches during the year. Of the 42 houses of worship returned in the fourth quarter of the year, the Ukrainian Orthodox Church received 20 buildings. In particular the Assumption Monastery in Donetsk oblast received several structures. The Kiev Patriarchate received four churches, including one of national architectural importance in Berezhany, Ternopil oblast. Authorities transferred 16 former cathedrals to the Greek Catholic Church and 4 to Roman Catholic parishes. A Lutheran church also was returned in Ternopil oblast.

In May authorities arrested three Baptist ministers (see Section 1.d.).

The Government made significant efforts during the year to ensure that pilgrims of the Bratslav Hasidic sect were able to visit the tomb of their founding rabbi in the city of Uman on the occasion of the Jewish New Year.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and with some limits, the Government respects them in practice. However, the Government has not yet fulfilled its pledge to abolish mandatory registration—the "propiska" system—and to replace it with an informational residence register (see Section 1.f.). Regulations impose a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits, thereby complicating freedom of movement by limiting access to certain social benefits to the place where one is registered. For example, persons who move to other regions for work in the private sector may be denied formal access to free medical care and other services provided by the State. Residence without registration carries a fine under the administrative code, but this provision rarely is enforced. Human rights groups reported an increasing number of cases of persons being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. Police also arbi-

trarily detain persons for extensive document checks and vehicle inspections (see Section 1.f.).

An August 1998 regulation requiring foreigners to obtain special permits to visit areas within 18 to 30 miles of the border was rescinded in April. In September the governor in Donetsk oblast declared restrictions on foreign travel for directors of enterprises owing wage arrears; however, the restrictions have not been enforced.

Citizens who wish to travel abroad are able to do so freely. Exit visas are required for citizens who intend to take up permanent residence in another country. There were no known cases of exit visas being denied during the year. The Government may deny passports to individuals in possession of state secrets, but denials may be appealed. A lapse in an Israeli-Ukrainian student exchange agreement during the year led to concerns about the ability of several hundred Ukrainian students to travel overseas for study in Israel. While negotiations continued between the Ukrainian and Israeli Governments over the renewal of the lapsed exchange agreement, the Ukrainian Government took steps to ensure that the students in question could travel to Israel.

Citizenship law provides the right to citizenship for all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. In order to be eligible, persons must not be citizens of other countries and must submit their application by the year 2000. Dual citizenship is not recognized. A 1997 amendment to the citizenship law also provides the right to citizenship for deported victims of political oppression, such as the Crimean Tatars. Refugees can acquire citizenship if they have lived legally in the country for 5 years and can communicate in the Ukrainian language. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate the travel to Ukraine of some emigrants who qualify for resettlement as refugees. Approximately 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. As of August, 192,700 of them had acquired Ukrainian citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship has excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets. However, the 1997 amendment to the citizenship law waives some of the usual residence and language requirements for returning deportees and expedites the acquisition of citizenship. The amendment facilitates the acquisition of citizenship by Crimean Tatars who were deported victims of political oppression. It allows deported persons, including Crimean Tatars, to acquire Ukrainian citizenship without a mandatory 5-year term of residence in the country and without Ukrainian language proficiency. On July 13, the Rada further amended the citizenship law to allow deported persons or their descendents living in the country for 5 years to acquire automatically Ukrainian citizenship without having to renounce any foreign citizenship they may possess. Previously Crimean Tatars had difficulty obtaining documents from Uzbekistan to confirm that they had relinquished their Uzbek citizenship.

The 1993 Law on Refugees governs the treatment of refugees and entitles refugees to all the benefits accorded to citizens. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), and refugee status initially is given for a 3-month term and is subject to further extension. As of October, 3,500 persons (70 percent of whom are Afghans) had been granted refugee status. A commitment has been made to award refugee status to all Afghans who arrived in the country before 1995. Under the new citizenship law, legally registered refugees can apply for citizenship after 5 years of permanent residence. Under the refugee law, refugees are entitled to material assistance. The Cabinet decided to start allocating funds in the 1999 national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. In cooperation with the UNHCR in 1997, the Government established a refugee receiving center for 200 persons in Vinnytsya. The Government plans to open four other centers elsewhere; however, no additional center has as yet been opened.

Instances of police harassment of certain categories of refugees appear to have diminished during the year.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy. This means that persons who travel directly from their home country to Ukraine as refugees are assured refugee status. However, there were some problematic cases during the year. In March four Uzbeks, including two exiled Uzbek oppositionists, reportedly were arrested without a warrant, were denied counsel, and were deported forcibly to Uzbekistan without a hearing, despite protests by human rights groups. On August 18, a court in Uzbekistan sentenced

the four to between 8 and 15 years in prison for insulting the president and conspiracy against the constitution, in all but one case. The four released a statement on August 17, in which they claimed that they had been tortured and forced to give false testimony.

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

Citizens have the right and the ability to change the government peacefully. The Constitution provides universal suffrage for citizens at least 18 years of age, and for periodic elections every 4 years for the Parliament and every 5 years for the President. A presidential election was held on October 31 and November 14. Parliamentary elections took place in 1994 and in March 1998.

Power is divided between the executive, legislative, and judicial branches. Although nominally independent, the judicial branch in practice is influenced heavily by the executive (see Section 1.e.). The President appoints the Prime Minister, who appoints the remainder of the Cabinet. The Prime Minister, as well as certain other appointments, such as the Prosecutor General, is subject to parliamentary approval. The Constitution grants the President limited power to pass binding decrees and directives that have the power of law.

International observers noted violations of election day procedures in both the October 31 voting and the November 14 runoff in the presidential elections, with more numerous and serious violations occurring in the second round of voting. However the violations reportedly were not widespread or systematic. The most serious problems were imbalanced media coverage and the coordinated and inappropriate involvement of government officials in both rounds of the election on behalf of President Kuchma. The Organization for Security and Cooperation in Europe (OSCE) also was concerned over pressure exerted on voters in prisons, hospitals, and educational institutions on behalf of President Kuchma. A representative of the Parliamentary Assembly of the Council of Europe declared that the elections were "far from fair and democratic." OSCE observers noted unauthorized persons, including SBU officers, present in polling stations, especially during the runoff election, and had reports of militia involvement in campaigning. After the first round of voting, three regional administrators were dismissed, allegedly for failing to produce sufficient votes for President Kuchma in their districts. After the second round of voting, President Kuchma dismissed two oblast governors and six raion (regional) heads in those regions were Kuchma received fewer votes than Communist Party rival Symonenko. Very high voter turnouts, particularly in western districts, aroused suspicion of ballot stuffing on President Kuchma's behalf in the second round of voting. However, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election, in view of President Kuchma's 18-point margin of victory.

In the preelection period, various forms of government pressure on the media served to limit the independence of the press (see Section 2.a.). The Parliamentary Assembly of the Council of Europe found that state media coverage of the presidential campaign was biased strongly in favor of President Kuchma. In the period prior to the October 31 presidential election the Government allegedly used government agencies, especially the Tax Inspectorate, to disrupt or eliminate the businesses of political opponents prior to the elections. Presidential candidate Yevhen Marchuk reported that police ordered a meeting with voters evacuated in Luhansk in August citing an anonymous bomb threat (see Sections 1.c. and 2.b.). Other candidates reported difficulty renting meeting halls, closure of their local campaign offices by government officials, confiscation of campaign vehicles, and pressure on employees from directors of state-owned enterprises. Many opposition presidential candidates complained that the SBU overstepped its mandate and interfered in the campaign to the benefit of President Kuchma. These reports appear credible. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity (see Sections 1.f. and 4). In August several Rada deputies released what appeared to be a secret SBU document addressed to an aide to President Kuchma. The document was an analysis of which publications and television and radio stations supported which presidential candidate in Mykolayiv oblast. Supporters of opposition presidential candidates were beaten by unknown assailants and one local campaign headquarters was burned down (see Section 1.c.).

Presidential candidate Oleksandr Moroz complained after the first round of voting about the presidential administration's dominance over the media and the illegal involvement of state officials in Kuchma's campaign. In response to this complaint, the Supreme Court declared on November 13 that it does not have the right to question the decision of the Central Election Committee or to declare an election null and void but that it could only order recounts in specific polling stations.

Women are active in political life but hold a disproportionately small percentage of offices. Women hold 28 of the 450 seats in the Rada. Only two women hold ministerial posts. The 18-member Constitutional Court has 2 female members.

Jews are well represented among the political elite and hold several parliamentary seats. Many Crimean Tatars are unable to participate fully in the political process, primarily due to citizenship problems (see Section 2.d.). The government requirement that a political party have representatives in at least half of the country's regions in order to register officially has limited the ability of Russian, Crimean Tatar, and Romanian minority groups to organize (see Section 2.b.).

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 operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. However, human rights groups reported more difficulties in investigating penal conditions, which are a significant human rights concern. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity during the presidential election campaign (see Section 3).

In January 1998, the President signed the law creating the Parliamentary Commissioner on Human Rights, which is a constitutionally mandated independent human rights ombudsman. Parliament elected the first Ombudsman in April 1998. The Human Rights Ombudsman serves a 5-year term and, in principle, is invested by law with very broad powers. The extent of the Ombudsman's independence has not been established, and the Ombudsman's office has not yet released any reports.

The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and oversight of implementation of human rights treaties and agreements to which the country is a party. However, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law required the Government to submit amendments to existing laws to provide the legal framework for the operation of the Ombudsman's office. The Ombudsman's office itself drafted some 70 amendments to this effect, but those amendments had not been enacted at year's end. All citizens and current residents can address their concerns to the Ombudsman. The Ombudsman also serves as the intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly. During the year, the Ombudsman made combating trafficking in persons a priority and personally traveled overseas to accompany women who were victims of trafficking back to the country (also see Section 6.f.).

Citizens have the right to file appeals with the European Court of Human Rights in Strasbourg about alleged human rights violations. According to one human rights expert, some 13,000 appeals were made to the Court in 1998 and some 200 cases were accepted by the Court for review.

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

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, due in part to the absence of an effective judicial system, the Government does not enforce these provisions effectively. The Government has not prosecuted anti-Semitic acts under the law forbidding the sowing of interethnic hatred.

Women.—Violence against women is reportedly pervasive. While new statistics compiled by the U.N. Development Program show that the number of reported rapes and attempted rapes decreased during recent years, surveys indicate that the majority of rapes and other cases of physical abuse go unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped, and over 25 percent physically abused, in their lifetimes.

The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Spousal abuse also is illegal, but authorities often pressure women not to press charges against their husbands. Separate statistics on prosecutions for wife beating or on average sentences are not available. In 1997, the last year for which statistics are available, 1,510 criminal cases were opened for rape, 822 for sexual abuse, and 3 for sexual compulsion. Information on convictions was not available.

Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. Hot lines, shelters, and other practical support for victims of abuse are practically nonexistent, although there are

some shelters run by private organizations. In 1998 Kiev municipal authorities opened the country's first state-funded women's center. The Government announced plans in 1998 to establish a network of shelters throughout the country but by year's end it had not yet begun to implement these plans.

Ukraine is an important source country of girls and women trafficked to Central and Western Europe and the Middle East for sexual exploitation (see Section 6.f.). An April 1998 amendment to the Criminal Code imposes harsh penalties for—among other offenses—trafficking in human beings, including for sexual exploitation and pornography; however, the effectiveness of this step has not yet been established. The authorities rarely prosecute men for engaging women in the rapidly growing sector of sexually exploitative work.

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, there are inadequate legal safeguards against harassment. In the only known case of prosecution for sexual harassment in the workplace, Pravda Ukrayiny editor Oleksandr Horobets was convicted in May of sexual harassment of a subordinate and sentenced to 7 months' confinement. However, the fact that Horobets was the editor of an opposition newspaper calls into question the motives of the procuracy in prosecuting the case (see Section 2.a.).

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally is observed. However, the economic crisis has harmed women disproportionately. Women are much more likely to be laid off than men. Women constitute approximately 60 percent of the unemployed population, and as much as 90 percent of newly unemployed persons. Industries that are dominated by female workers are also those industries with the lowest relative wages and the ones that are most likely to be affected by wage arrears problems.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involve heavy lifting. However, despite implementation of a government program to combat dangerous labor, these laws remain poorly enforced. The Ministry of Labor estimated that 15 percent of working women are employed at hazardous jobs. Furthermore, human rights groups maintained that management selectively conforms to the law only as necessary to lay off or fire female workers. Many women's rights advocates fear that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of 3. However, this benefit is a disincentive for employers to hire women for responsible or career track jobs.

Few women attain top managerial positions in state and private industry. According to government statistics, 69.2 percent of the country's 213,000 state administration jobs are held by women, including 45.2 per cent of the managerial positions. However, of the highest "first" and "second" category offices, only 5.6 percent in central or local governments are filled by women. (These numbers do not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU, which have substantially more male employees at all levels.)

Educational opportunities for women generally have been, and continue to be, equal to those enjoyed by men.

Children.—The Government is committed publicly to the defense of children's rights, but the deep economic crisis severely limits its ability to ensure these rights. The low priority that both the public and the Government attach to children's rights is reflected in the absence of groups that aggressively promote children's rights. For example, the widely acknowledged problem of growing violence and crime in and outside schools, especially the notoriously violent vocational schools, largely is ignored by the public and the Government.

Free, universal education is compulsory until the age of 15. However, the public education system has deteriorated as a result of government financial disarray. Teachers often go unpaid for months. Increasing numbers of children from poor families drop out of school, and illiteracy, which was previously very rare, has become a problem. Health care is provided equally to girls and boys, but economic problems have worsened the overall quality of the health care system.

There were increased cases of homeless children, who usually fled poor orphanage or poor domestic conditions. Although statistics are unavailable, drug use and child prostitution among these children are widespread and received substantial media attention during the year. Several charity groups were formed to assist these children, but they have not been able to reduce the problem. In 1997 the All-Ukrainian Committee for Protection of Children released survey results that reveal that every

fifth or sixth child of both sexes under age 18 suffers from sexual harassment (including every third girl), and every tenth girl is raped.

Deteriorating conditions in the state orphanages led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. Currently, there are 75 such orphanages with some 800 children. Public concern over the fate of children adopted by foreigners led to a 1997 amendment to the adoption law, which provided for thorough examination of each case and follow-up monitoring of the children's well-being. To curb illegal adoption, an April 1998 amendment to the Criminal Code prescribed up to 15 years' imprisonment for trafficking in children and illegal adoption (see Section 6.f.). However, there had been no known successful cases of its application by year's end.

People with Disabilities.—The law prohibits discrimination against the disabled, but the Government has done little to support programs targeted at increasing opportunities for the disabled. The law mandates access to buildings and other public facilities for the disabled, but it is enforced poorly.

Religious Minorities.—On April 30, a violent scuffle took place in the southeastern city of Mariupol between supporters of the Ukrainian Orthodox Church (Moscow Patriarchate) and the entourage of Patriarch Filaret of the Ukrainian Orthodox Church (Kiev Patriarchate). Filaret had come to Mariupol to consecrate a cross erected on the future site of a Kiev Patriarchate church. Although initial press reports indicated that Filaret was beaten severely and hospitalized, it later became known that he had escaped with only very minor injuries. The Patriarch's aide, Father Superior Dymytryi, and a local Kiev Patriarchate priest, Father Volodymyr, were taken to the hospital with concussions and minor injuries. Several members of the local Kiev Patriarchate parish also were beaten and taken to the hospital. At a press conference on May 6, Filaret showed videotape that confirmed much of his version of the April 30 events. It showed a group of Filaret's opponents pulling down a new cross installed at the construction site of the new church. At the conference he accused Donetsk regional authorities of complicity in the scuffle and of actively supporting the Moscow Patriarchate.

Anti-Semitism exists on an individual and societal basis. However, the central Government generally discouraged it. Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications also are imported from Russia and distributed without the necessary state license. Presidential candidate Yuriy Karmazin, who according to polls was supported by less than 1 percent of voters, complained during his candidacy of "Jewish control of the media." However, during the year President Kuchma repeatedly and publicly spoke about the need for the peaceful coexistence of ethnic and religious groups. Also during the year, authorities opened a criminal case against the editor of the Lviv-based newspaper Idealist for fomenting interethnic hatred. Moreover, the Procuracy warned certain publications against publishing anti-Semitic material. Early in the year, the Shimon Dubnov Ukrainian Academy of Jewish History and Culture filed suit against the nationalist newspaper Vechirniy Kiev for publishing anti-Semitic diatribes about the Academy's collection of scholarly articles, "Judeophobia Against Ukraine," which was published in 1998. The case still was pending at year's end.

Anti-Semitic incidents continue to occur but, according to local Jewish organizations, have declined in number over recent years and were concentrated in western regions of the country.

During the year, there were no arrests made in the 1997 firebombing of the Kharkiv Israeli cultural center, nor have there been any prosecutions for the desecration of Jewish cemeteries in 1997.

There were occasional statements by Ukrainian Orthodox Church officials (both Moscow and Kiev Patriarchates) denouncing the spread of nonnative religions and sharply criticizing their missionary activities. Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as salary cuts, layoffs, and public criticism for betraying "native religions".

Native religious organizations, especially the Orthodox Church and the Greek Catholic Church, pressured local and regional officials not to register nonnative religious organizations or to allow them to rent or purchase property. Both these denominations also reportedly pressured officials to restrict the activities of the other (see Section 2.c.).

National/Racial/Ethnic Minorities.—Frequent harassment of racial minorities is a problem. Police officials routinely detain dark-skinned persons for arbitrary document checks. In addition, there were increased reports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups

claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma face considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. In the Transcarpathian region in particular, Roma continue to be subject to violence and abuse by police (see Section 1.c.).

The Constitution provides for the "free development, use, and protection of the Russian language and other minority languages in Ukraine." This compromise builds on a 1991 law on national minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools. Nonetheless, some pro-Russian organizations in eastern Ukraine complained about the increased use of Ukrainian in schools and in the media. They claim that their children are disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test.

In Crimea Ukrainian and Crimean Tatar minorities credibly complain of discrimination by the Russian majority and demand that Ukrainian and Tatar languages be given equal treatment to Russian. According to Tatar leaders, unemployment is as high as 50 percent in their community. In January the office of the Tatar Assembly Mejlis (the unofficial Tatar parliament) was firebombed in Simferopol. No suspects were identified, but Tatars blamed Russian chauvinists. On May 18, some 35,000 Tatars demonstrated in Simferopol on the 55th anniversary of Stalin's deportation of the Tatars to Central Asia for official recognition of the Mejlis, Tatar representation in the Crimean parliament, and official status for the Tatar language. That same day President Kuchma created a presidential Tatar Advisory Committee that includes all members of the Mejlis. Tatar protestors then erected a tent camp in front of the Crimean government building. On May 24, the Tatars took down their tents after Crimean prime minister Serhiy Kunitsyn agreed to their demands for the creation of a council to represent Tatar interests in the Crimean government, for the right of Tatars returning from Central Asia to own land, and for the creation of Tatar schools.

While the Crimean government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions, the central Government is working with the UNHCR, OSCE, and the International Organization for Migration on support for the Crimean Tatar community.

Of the 260,000 Crimean Tatars who have returned to the country from exile in Central Asia, some 67,000 still lack citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling, and that the onerous process of acquiring citizenship has excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians are calling for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast.

Rusyns (Ruthenians) are calling for status as an official ethnic group in the country. At a congress held in Uzhhorod on June 27, representatives of the Rusyn community called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country's ethnic groups in the 2001 census. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right to join trade unions to defend "professional, social and economic interests." Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The 1992 Law on Citizens' Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. In principle all workers and civil servants (including members of the armed forces) are free to form unions. In practice the Government discourages certain categories of workers, for example, nuclear power plant employees, from doing so. A new trade union law designed to replace Soviet-era legislation was adopted by Parliament and signed into law by the President in September.

The successor to the Soviet trade unions, known as the Federation of Trade Unions (FPU), has begun to work independently of the Government and has been vocal in advocating workers' right to strike. The FPU has supported the protests of

miners and other professions over unpaid wages. However, as during the Soviet era, most FPU affiliates work closely with management. Following President Kuchma's 1998 appointment of the head of the FPU-affiliated coal miners' union to be director of the national coal monopoly, the FPU ended support for striking miners. Enterprise managers are free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers, which is virtually indistinguishable from the FPU.

Independent unions now provide an alternative to the official unions in many sectors of the economy. The Independent Miners' Union of Ukraine (NPGU), unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operate either independently or within one of three national confederations. While exact membership is unknown, estimates for independent union membership range from 100,000 to 300,000, while estimates for FPU-affiliated unions range from 17 to 23 million members. Independent unions have claimed unsuccessfully a share of the former Soviet trade unions' huge property and funds, especially the social insurance benefits fund, a Soviet-era legacy traditionally controlled by the official unions.

Independent unions claimed that the new trade union law is more restrictive than the old Soviet legislation. To acquire national status, a union must have representation in more than half of the 14 regions of Kiev, or at one-third of the enterprises in a regionally based sector, or have a majority of union members in the sector. National status and registration confer the right to acquire space, property, to maintain bank accounts, and to enter legally binding agreements. These new requirements are likely to make it difficult for miners and sailors to organize. Another contentious requirement is mandatory registration by the Justice Ministry. Registration determines participation of a union in the national collective bargaining agreement with the Government, as well as membership on the Social Insurance Fund Board (see Section 6.b.). Independent unions are concerned that the Justice Ministry could deny registration to unions seen as undesirable. Additionally, management no longer is obligated to provide free accommodation and telephone lines to unions. However, the law gives unions a say in labor safety and division of newly built housing.

The Constitution provides for the right to strike "to defend one's economic and social interests." The Constitution states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. However, a 1998 Law on Labor Disputes Resolution extends the right to strike to employees of "continuing process plants," for example, metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. The law prohibits strikes that jeopardize life or health, the environment, or that can hinder disaster, accident, or epidemic-related operations.

The law does not prohibit specifically strikes based on political demands. The law prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The Government has relied on the prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses.

In February 500 nuclear plant workers camped in tents outside the country's 5 nuclear power plants to protest their unpaid wages and to demand that the Government allocate more money to the nuclear power industry. At that point wage arrears for nuclear power plant employees totaled $42 million (150 million hryvnia), according to an atomic energy workers' union. The press reported on February 18 that six coal miners protesting wage arrears cut their wrists as a suicide threat in Lukansk oblast. In August the Independent Miners' Trade Union threatened to suspend coal supplies starting in September unless the Government began to pay back wages owed to miners. At that time some 2,000 coal miners were on strike in the Donetsk region and hundreds of spouses and children of miners were protesting in Luhansk. Union leaders reported that wage arrears to miners totaled more than $435 million (2 billion hryvnia) as of August.

There are no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU is a member of the Federation of Chemical, Energy, Mine, and General Workers' Union.

b. *The Right to Organize and Bargain Collectively.*—The Law on Enterprises states that joint worker-management commissions should resolve issues concerning wages, working conditions, and the rights and duties of management at the enter-

prise level. Overlapping spheres of responsibility frequently impede the collective bargaining process. The Government, in agreement with trade unions, establishes wages in each industrial sector and invites all unions to participate in the negotiations. The Law on Labor Disputes Resolution, which came into force in March 1998, provides for the establishment of an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. However, these services have not yet been established.

The manner in which the collective bargaining law is applied prejudices the bargaining process against the independent unions and favors the official unions (affiliates of the FPU). Most workers never are informed that they are not obligated to join the official union. Renouncing membership in the official union and joining an independent union can be bureaucratically onerous and typically is discouraged by management. The collective bargaining law prohibits antiunion discrimination. Under the law, disputes should be resolved by the courts. There have been cases in which such disputes have not been settled in a fair and equitable manner.

Under the new trade union law, an independent union also can be removed easily from the collective bargaining process at the enterprise level. Under the old law, if several unions at an enterprise failed to agree on joint representation, the bigger union (i.e., the FPU) represented labor in the bargaining process. The new law failed to repair this grievance.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution and the Labor Code prohibit forced and compulsory labor, and it generally is not known to occur; however, the country is a major source of girls and women trafficked for sexual exploitation (see Section 6.f.). The Government does not prohibit specifically forced and bonded labor by children; however, there were no reports of such practices, apart from victims of traffickers. The country is an important source of girls and women trafficked for sexual exploitation (see Section 6.f.).

Human rights groups described as compulsory labor the common use of army conscripts and youths in the alternative service for refurbishing and building private houses for army and government officials. In 1998 student groups protested against a presidential decree obliging college and university graduates, whose studies have been paid for by the Government, to work in the public sector at government-designated jobs for 3 years or to repay fully the cost of their education. Students described the decree as an anticonstitutional attempt to introduce compulsory labor, as the Constitution provides for free choice of job and one's agreement to work. The Government stated that the decree would cover only students who entered higher education institutions in 1997 and thereafter. The extent of enforcement of the decree is unknown. However, human rights groups reported complaints from medical and law students that they had been forced to accept government-assigned jobs for 3 years in repayment for the cost of their education or not receive their diplomas.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum employment age is 17; however, in certain nonhazardous industries enterprises may negotiate with the Government to hire employees between 14 and 17 years of age, with the consent of one parent. The Constitution provides for general secondary education. School attendance is compulsory to the age of 15, a regulation vigorously enforced by the Ministry of Education. However, since the Soviet era the number of dropouts has increased significantly, mostly because of rising poverty. The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. The Government does not prohibit specifically forced and bonded labor by children, but there were no reports that it occurred, apart from victims of traffickers (see Sections 6.c. and 6.f.).

e. *Acceptable Conditions of Work.*—The minimum monthly wage and pension is about $16.37 (73.7 hryvnia), and the officially reported average monthly wage is about $34.55 (155.5 hryvnia), which does not provide a decent standard of living for a worker and family. Moreover, millions of persons go unpaid for many months because of shrinking budget revenue. As of October, the official poverty line is about $26.30 (118.3 hryvnia) per month, which does not correspond to the real subsistence level. It is estimated that some 50 percent of the population officially lives below that line, although the practice of underreporting sources of income is widespread. On September 17, the Rada adopted a new minimum old age pension of $12.22 (55 hryvnia), but the President vetoed it on October 1, stating that the budget could not fund such pensions.

The Labor Code provides for a maximum 40–hour workweek, a 24–hour period of rest per week, and at least 24-days of paid vacation per year. Stagnation in some

industries, for example, defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards, but these frequently are ignored in practice. Lax safety standards and aging equipment caused many serious accidents, resulting in over 18,000 persons injured and 913 killed in work-related accidents during the first half of the year. According to the Coal Mining Ministry, in the first half of the year there were 12 major mine accidents in which 11,152 persons were injured. During the first 7 months of this year, 190 miners were killed in mining accidents. In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment. In reality, however, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.

f. *Trafficking in Persons.*—The country is a major source country of women and girls trafficked to Central and Western Europe and the Middle East for sexual exploitation. The International Organization for Migration estimated in 1998 that 100,000 citizens had been trafficked abroad for this purpose since 1991. Italian officials estimate that at least 30,000 Ukrainian women are employed in Italy; and between 1991 and 1997 Israeli authorities deported 1,500 Russian and Ukrainian women who had been trafficked there. The Parliament passed an amendment to the Criminal Code in April 1998 that imposes harsh penalties for—among other offenses—trafficking in human beings, including for sexual exploitation and pornography. Also, during the year the Government established special police units to investigate trafficking crimes. However, the effectiveness of these steps has not yet been established. In June the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings. The organization has yet to demonstrate its effectiveness. Trafficking is becoming a higher priority for law enforcement agencies, but these agencies often lack the financial and personnel resources to combat well established criminal organizations that run trafficking operations.

The authorities do not prosecute routinely men for engaging women in the rapidly growing sector of sexually exploitative work. There were several recent cases of criminal prosecution on such charges; however, the sentences were not severe. In September two women were sentenced to 5-year suspended sentences and fined about $150 (680 hryvnia) for trafficking women to brothels in the former Yugoslavia. A man in Kherson was given a suspended sentence and a fine for engaging women in prostitution in September. In March authorities in Sevastopol arrested three individuals on suspicion of selling some 200 young women and girls to be used as forced labor in night clubs or as prostitutes in Turkey, Greece, and Cyprus. In August police in the Netherlands arrested a Ukrainian man along with three Dutch citizens for their role in a major network trafficking in women.

The four were accused of forcing women from Eastern Europe and countries of the former Soviet Union to work in sex clubs in the southern part of the Netherlands. Some of the trafficked women were from Ukraine, according to authorities.

NGO's claim that the local militia receives bribes in return for ignoring this problem. Moreover, some reports alleged that local public officials abetted or assisted organized criminal groups in trafficking women abroad.

Women who are trafficked out of the country often are recruited by firms operating abroad and subsequently are taken out of the country with legal documentation. Once abroad the women find the work to be very different from what was represented to them initially.

The Government, primarily due to lack of funds, is unable to assist victims effectively. Some NGO's, such as the domestic NGO La Strada, began offering some support services for victims of trafficking but also suffered from a shortage of funds. With foreign assistance, three regional trafficking prevention centers have been established in Donetsk, Lviv, and Dnipropetrovsk. The centers offer job-skill training, run telephone hot lines, and serve as referral centers for health, legal, and psychological counseling. La Strada hotlines served 700 women from June 1998 through January.

In August authorities in the Netherlands arrested a Ukrainian national and three Dutch nationals for trafficking women to sex clubs in the southern Netherlands from Ukraine, Belarus, Poland, and Romania.

In September the Cabinet of Ministers adopted a national program for the prevention of trafficking in women and children, involving 20 ministries, local governments, international organizations, donors, and domestic and international NGO's. The program is to combat trafficking as well as to assist victims. However, severe budget restraints may limit the ability of the Government to implement the program effectively. The Ombudsman made trafficking a priority (see Section 4). The

Ministry of Education approved a curriculum on trafficking prevention and awareness in all high schools.

Public concern over the fate of children adopted by foreigners led to a 1997 amendment to the adoption law, which provided for thorough court examination of each case and follow-up monitoring of the children's well-being. To curb illegal adoption, an April 1998 amendment to the Criminal Code prescribed up to 15 years' imprisonment for trafficking in children and illegal adoption. However, there have been no known successful cases of its application (see Section 5).

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. A lower legislative chamber (the House of Commons), the center of parliamentary power, is elected in periodic multiparty elections. An upper chamber (the House of Lords), with the power to revise and delay implementation of laws, is made up of hereditary and life peers and senior clergy of the established Church of England. In October, in the first stage of the Government's program to reform the upper chamber, the House of Lords agreed to remove all but 92 of its hereditary peers (life peers and clergy remain). The next step will be based on the recommendations of a royal commission, which is expected to issue its report in January 2000. There is an independent judiciary, but Parliament may overrule its decisions through legislation.

Throughout the country, police forces are responsive to, and under the effective control of, civilian officials. Since 1996 the intelligence agency MI–5 has had the authority to act in support of other law enforcement agencies in the prevention and detection of serious domestic crime. The police force in Northern Ireland has had a more complex and controversial role, due to the special and difficult circumstances in the region with respect to law and order. In some areas of Northern Ireland, because of the continuing threat of violence, army units operate to reinforce the Northern Ireland police force, the Royal Ulster Constabulary (RUC). Some members of the police force committed human rights abuses.

A highly developed, diversified, market-based economy provides most residents with a high standard of living. Certain geographic areas, particularly older industrial areas including parts of Northern Ireland, suffer from higher than average unemployment rates. In addition, unemployment tends to be higher among some demographic groups, such as youth and racial minorities, and in Northern Ireland, among Catholics. The government provides comprehensive social welfare services, including a national health system, housing and family benefits, and heavily subsidized higher education.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police occasionally abused detainees. In February the inquiry into the death of black teenager Stephen Lawrence released its report, concluding that the investigation in the case—which led to the acquittal of five suspected attackers—was marred by a combination of professional incompetence and institutional racism by the London police. Prison overcrowding remains a problem, and the number of prison suicides rose to nearly a hundred. There are some limits on freedom of assembly and association related to the security situation in Northern Ireland. The Government continued to take steps to combat violence against women. Societal discrimination against women, nonwhite minorities, and the Traveller (nomadic) community are problems, as are child abuse and occasional societal violence against minorities. The Government took steps to improve worker rights.

In Northern Ireland, political parties participated in a review of the Good Friday Agreement from September through November. Based on the results of this review, the parties nominated candidates to an Executive (Cabinet) for the elected Assembly on November 29, and Parliament devolved power to the new Assembly and Executive on December 2. The power-sharing Executive included representatives from the four major political parties (two unionist and two nationalist/republican), although the two ministers from the conservative unionist Democratic Unionist Party boycotted meetings, including the inaugural meeting of the executive, because it included the republican Sinn Fein party. Part of the review involved specifying procedures for the decommissioning of paramilitary weapons under the aegis of the Independent International Commission for Decommissioning (IICD). Although both the Provisional Irish Republican Army and the Ulster Freedom Fighters (UFF) appointed interlocutors to the IICD, by year's end, apart from the token weapons handover by a loyalist splinter group, the Loyalist Volunteer Force (LVF) in Decem-

ber 1998, none of the major paramilitary organizations had verifiably decommissioned any weapons.

The Northern Ireland Human Rights Commission (HRC) began operations on March 1 and concentrated its efforts on internal organization. Although human rights nongovernmental organizations (NGO's) criticized the new body's lack of investigative powers, the Human Rights Commission received 114 applications for assistance and made an additional 66 informal inquiries. The Northern Ireland Fair Employment Commission, Equal Opportunities Commission, Commission for Racial Equality, and Disability Council were amalgamated into the Equality Commission in October. The Government's Northern Ireland Office appointed 21 members to the Commission in August.

The Independent Commission on Policing in Northern Ireland (commonly referred to as the Patten Commission after its chairman, former Hong Kong Governor Chris Patten) called in its September report for a "new beginning" to policing in Northern Ireland. Notable recommendations include a reduction in the size of the force to a little over one-half of its current strength of 13,500; a change in name to the Police Service of Northern Ireland; a scheme to increase recruitment of Catholics to the force; and the introduction of a central Policing Board, which will include members from the political parties that make up the Executive of the Northern Ireland Assembly. The recommendations provoked strong criticism by the unionist community.

A review of the structure, management, and funding of the criminal justice system in Northern Ireland continued during the year. A report from the Government originally was scheduled for release in October but subsequently was postponed until early 2000. Nationalists, especially republicans, criticized the delay.

In support of the Good Friday Agreement, the Government continued during the year to release prisoners affiliated with paramilitary organizations that maintain a cease-fire. As of Dceember, 310 paramilitary prisoners, including 157 republicans and 143 loyalists (and 10 "others") were paroled under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program. As of July 31, there were 14,631 British troops in Northern Ireland, the lowest level since the 1970's.

Several paramilitary dissident groups in Northern Ireland engaged in acts of violence aimed at disrupting the peace process. However, the majority of the violence in Northern Ireland resulted from republican and loyalist paramilitary groups that continued to engage in "punishment" attacks on victims who lived in areas under their influence. The Northern Ireland Office reported 73 shootings and 132 assaults in paramilitary style attacks during the year, compared with 72 shootings and 136 assaults recorded in 1998. Churches and religious organizations in Northern Ireland, both Catholic and Protestant, were the object of 72 sectarian attacks during the year.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by the Government.

The Police Complaints Authority (PCA), an independent watchdog organization, opened an inquiry into the death of Roger Sylvester, a black man who died in January after being restrained by police officers in north London under the Mental Health Act. He was taken to a hospital for assessment and suffered respiratory failure. A post mortem exam did not establish the cause of death.

In October the police in London shot and killed Henry Stanley while he was walking home from a pub, when they mistook the table leg he was carrying for a sawed-off shotgun. Stanley's family is campaigning for a public inquiry into the incident instead of the internal police investigation being conducted.

The Annual Report of the Police Complaints Authority reported that deaths in police custody increased to 65 during the 12 months ending in March 1999, compared with 53 during the same period the previous year. The report states that 21 of the deaths occurred because of natural causes, 26 were due to alcohol or drugs, and 18 were suicides. The PCA supports the abolition of the offense of "being drunk and incapable" and recommends that drunks be dealt with by nurses and paramedics rather than by the police. According to the Home Office, the number of deaths in police custody in England and Wales during the calendar year was 68; in Scotland it was 6.

There were a number of deaths in custody in prison due to suicide and natural causes (see Section 1.c.).

In April a policemen was indicted for murder after the shooting while on duty of James Ashley. Ashley, who was unarmed, was shot and killed during a raid on his home in East Sussex in 1998.

In April the Crown Prosecution Service (CPS) concluded that the evidence was insufficient to prosecute the police officer who killed IRA member Dairmuid O'Neill, who was shot in a 1996 police raid during a counterterrorism operation in England.

In October 1997, a policemen was acquitted of the murder of unarmed car thief David Ewin, whom he shot and killed at close range in 1995. This was the officer's third trial since the incident in 1995: One trial was aborted and the second jury was unable to agree on a verdict.

The three police officers charged with manslaughter in the death of Richard O'Brien in 1994 were acquitted in July. An earlier inquest found that O'Brien was killed unlawfully by asphyxiation when he died following his arrest for being drunk and disorderly in 1994.

The Northern Ireland Human Rights Commission is assisting the family of Jim McDonnell in pursuing a formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him.

In August a government inquiry by Judge Gerald Butler into the handling of deaths in police custody highlighted failings of the Crown Prosecution Service. The inquiry scrutinized the separate cases of Shiji Lapite and Richard O'Brien, who both died in police custody after being arrested in 1994. Butler recommended that all decisions concerning death in custody cases should be made by a clearly identified senior person; decisions not to prosecute should be sent for reconsideration by senior Treasury counsel; and all cases be sent to central casework, the CPS department that specializes in complex cases. He urged the CPS to consider publishing its reasons when it decided not to prosecute police officers. The NGO Inquest, which campaigns for relatives of persons who die in custody, urged that a body completely independent of the police be set up to investigate complaints involving officers.

In 1998 the Government established a new judicial inquiry into the events of January 30, 1972—"Bloody Sunday"—when 14 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces ever was held accountable. The inquiry gathered testimony and evidence from victims, journalists, and government officials. However, controversy plagued the inquiry's proceedings, particularly over the issue of anonymity for the soldiers. The inquiry originally decided not to grant anonymity to soldiers testifying unless they could show that they were at risk of reprisal. However, a July 29 decision by the Court of Appeal upheld an earlier divisional court ruling that granted soldiers anonymity in the inquiry's proceedings. Preliminary hearings on procedural issues commenced on September 27; the formal hearings are scheduled for April 2000.

In April in 3 bombings in London, 3 persons were killed and over 100 wounded. The attacks apparently were motivated by racism and homophobia. On April 17, a nail bomb exploded in south London, injuring over 30 persons at a busy street market in the ethnically diverse Brixton neighborhood. A week later another nail bomb injured several persons in the Brick Lane neighborhood of east London, which has a large Bangladeshi population. On April 30, a third nail bomb detonated in a central London gay bar, killing 3 persons and wounding over 70 more. The police stated that all three attacks were believed to be linked and carried out by antiminority and homophobic rightwing extremists. David Copeland, a 22-year-old white engineer, was arrested on May 1 in a London suburb and subsequently charged with all three bombings. The police discounted earlier claims of responsibility made by two rightwing extremist groups, indicating that they believed that Copeland acted alone. Copeland's trial was pending at year's end.

In February the inquiry into the 1993 death of black teenager Stephen Lawrence released its report, concluding that the investigation in the case—which led to the acquittal of five suspected attackers—was marred by a combination of professional incompetence and institutional racism by the London police (see Section 5).

Under the criteria of the 1998 Northern Ireland (Sentences) Act, the Government determined that the five main paramilitary groups were abiding by a cease-fire. The two major republican paramilitary groups observing a cease-fire are the Provisional Irish Republican Army and the Irish National Liberation Army (INLA). On the loyalist side, the three groups maintaining a cease-fire include: The Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF), the Ulster Volunteer Force (UVF), the Loyalist Volunteer Force. Despite the fact that these groups are considered to maintain a cease-fire, killing and wounding by both republican and loyalist groups in Northern Ireland continued. In addition, republican and loyalist splinter groups continued terrorist activities during the year.

The Provisional IRA was widely blamed for four deaths during the year. On January 27, former IRA member turned informer Eamon Collins was found dead near

his house in Newry, County Armagh. Also in Newry, two reputed drug dealers, Brendan "Speedy" Fegan, and Paul "Bull" Downey were found murdered on May 9 and June 13 respectively. A fourth man, Charles Bennett, was found dead in West Belfast on July 30. While the IRA never commented on these murders, media reports and the police attributed the crimes to them.

Loyalist paramilitaries were blamed for the car bomb death of lawyer Rosemary Nelson on March 15. Nelson, a lawyer known for taking on high-profile civil rights cases, had claimed that as early as 1997 the RUC made death threats against her. Cognizant of the controversy surrounding Nelson's case, within days of the murder the RUC invited the detective chief constable of Kent to oversee the murder inquiry and requested outside technical assistance. The RUC eventually appointed the Deputy Chief Constable of Norfolk Colin Port to take overall command of the investigation in April.

A week after Nelson's death, a leaked report from the Independent Commission for Police Complaints (ICPC) about the RUC's own 1997 investigation into Nelson's claims raised doubts about the RUC's impartiality. This report did not address the veracity of Nelson's original claims of death threats by the RUC. However, it did judge that the RUC's efforts to investigate those claims were inadequate. After learning of the ICPC's objections to the RUC's initial handling of the case in 1998, the chief constable of the RUC appointed an officer from the Metropolitan Police to take over the investigation in August 1998. The ICPC deemed this officer's subsequent investigation satisfactory and forwarded it to the director of public prosecutions. However, the appointment has not satisfied many nationalists, nor some outside groups.

The RUC's central role in the murder inquiry and the circumstances surrounding Nelson's death prompted calls from the U.N. Special Rapporteur on the Independence of Judges and Lawyers, the European Parliament, nationalist politicians, human rights groups, and the Northern Ireland Law Society for an independent inquiry into Nelson's murder. To date no arrests have been made.

Although no group claimed responsibility, dissident loyalists were blamed for the shooting death of loyalist Frankie Curry on March 17 in the Shankill area of Belfast, as well as the pipe bomb murder of Portadown resident Elizabeth O'Neill on June 5.

A total of 24 arrests were made in Ireland and Northern Ireland during 1999 in connection with the 1998 bombing in Omagh that killed 29 persons—for which the Real IRA claimed responsibility—but only one person was charged with involvement in the bombing.

Some unionist politicians and many human rights groups continue to call for an independent investigation into the December 1997 murder of Billy "King Rat" Wright, leader of the LVF, in the high security Maze Prison by members of the INLA. Wright's father insists that the murder "was state orchestrated and state sanctioned." The facts of the murder call into question the prison's security standards: the killers were housed in a separate wing of the prison but still were able to enter the area where Wright was incarcerated. The perpetrators had weapons smuggled to them and specific knowledge of Wright's movements.

In March the suspect arrested for the 1997 murder of Robert Hamill in Portadown was acquitted for the killing but found guilty of a minor offense. Hamill's case received widespread attention because four RUC officers in a nearby vehicle did not act while Hamill was beaten to death by a mob. The trial judge expressed concerns about the inaction of the police but concluded that their early intervention could not have saved Hamill. Human rights groups argue that the RUC had intervened successfully in similar circumstances in the past. Moreover, they charge that the RUC's failure to intervene made identification and thus prosecution of the murderers more difficult.

In June the RUC arrested William Stobie for involvement in the 1989 murder of Patrick Finucane, a respected legal counsel. The arrest was a result of the third round of independent investigations by the Deputy Commissioner of the Metropolitan Police, John Stevens. In March the RUC chief constable had invited Stevens to initiate another investigation as a result of information about allegations of security force collusion in Finucane's murder originally presented to the Northern Ireland Office by a human rights organization. Human rights organizations are concerned that Stevens's two previous inquiries were not made public and continue to call for an investigation of evidence that they say supports charges of collusion in Finucane's murder between government officials and loyalist paramilitary groups.

During his June court appearance, Stobie claimed that at the time of Finucane's death, he was an RUC informant and had warned the police of a "hit" by the UDA, although it is unclear whether or not he knew Finucane was the target. Stobie already was arrested once in 1991 on a weapons charge for which he was acquitted

subsequently. Three other persons were arrested during the current inquiry, two of whom were released without charge, while the third was charged with minor offenses.

In September the family of Peter McBride won a judicial review against the British Army board that allowed Scots Guards Jim Fisher and Mark Wright to rejoin their regiment. Fisher and Wright were convicted for the 1992 murder of Peter Mcbride and released from incarceration to rejoin their regiment in 1998. Because of the ruling, the British Army board now has to reconsider its decision to reinstate the soldiers.

Coroners do not have the power to compel those suspected of involvement in extrajudicial killing to testify at inquests, and relatives of the deceased receive no advance disclosure of evidence. In Northern Ireland, coroners by law are permitted to inquire only into "how"—that is "by what means"—the deceased died, rather than into the broad circumstances of death. Human rights groups argue that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

During the year, information provided by the IRA led to the discovery of the bodies of three persons who disappeared in the 1970's (see Section 1.b.).

In July following the earlier agreement to convene a Scottish court in The Hague to try the Lockerbie bombing suspects, the Libyan Government accepted responsibility for the 1984 death of policewoman Yvonne Fletcher. Fletcher was killed by gunfire from inside the Libyan People's Bureau in London as she policed a demonstration outside the building. The Libyan Government paid compensation to Fletcher's family in November.

In April Nazi war criminal Anthony Sawoniuk, age 78, was found guilty of murdering 18 Jews in 1942 in Domachevo, Belarus, and was given 2 life sentences. He was the first man to be prosecuted successfully under 1991 war crimes legislation.

Former Chilean President Augusto Pinochet remained under house arrest. Spanish Judge Baltazar Garzon sought to extradite and try Pinochet for his involvement in the disappearance or torture of 600 Spaniards under Chilean and Argentinian dictatorships in the 1970's and 1980's. In March the Law Lords, the highest court, decided that Pinochet did not enjoy immunity from charges of international crimes of torture and conspiracy to torture committed after December 8, 1988, when the international torture convention became binding on Spain, the United Kingdom, and Chile. Pinochet's extradition hearing then began in September, and on October 8 a magistrate ruled that Pinochet could be extradited to Spain to stand trial on 35 charges of torture and conspiracy to torture. Pinochet appealed the magistrate's decision. In October the Chilean Government requested that the UK Government allow Pinochet to return to Chile because of his age and poor health. In response UK Home Secretary Jack Straw ordered an independent medical examination of Pinochet, which was pending, along with Pinochet's legal appeal, at year's end.

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

The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in May for the purpose of facilitating the location of remains of victims of paramilitary violence. The commission obtained information from the IRA that led to the discovery in the Republic of Ireland of the remains of three persons (Eamon Molloy, Brian Mckinney, and John McClory) who disappeared in the mid-1970's. Information on the location of other remains proved inaccurate, and in September the commission decided to "pause" searches for an additional 12 known persons who had disappeared to allow the IRA to "re-examine" possible sites.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law forbids torture and other cruel, inhuman, or degrading treatment; however, police occasionally abused detainees. Human rights organizations report that such abuse, while not widespread, is a matter of serious concern. The NGO Inquest states that injuries and illnesses result more often from neglect or misdiagnosis than from physical attack, although incidents of police brutality have occurred (see Sections 1.a. and 5). Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions. However, human rights organizations claim that confessions obtained by abusive treatment regularly are found admissible in the Diplock courts in Northern Ireland.

Complaints of sexual harassment and some criminal conduct within the London Metropolitan Police Service continued. Fewer than a hundred cases are under investigation, and police officials remain committed to rooting out abusive treatment and corruption.

Although originally intended to replace the Independent Commission for Police Complaints as early as 1998, the Police ombudsman-designate was not appointed by the Northern Ireland Office until October and is not to assume authority over complaints against the police until September 2000. The police ombudsman is to investigate independently complaints in Northern Ireland filed against the police or referred to him by the RUC chief constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman is to supervise automatically cases involving death or serious injury and may direct the chief constable and the Director of Public Prosecutions to bring charges against police officers.

Unlike the ICPC, which must rely on the Complaints and Discipline Branch of the RUC to provide investigators, the ombudsman is to recruit an independent investigative staff.

The ICPC reported that it received 2,301 complaints during the year. Of the 2,774 cases it completed during the year, 6 percent led to informal disciplinary action or formal criminal charges.

In a series of public and private meetings throughout Northern Ireland, The Independent Commission on Policing in Northern Ireland (the Patten Commission) gathered testimony in order to evaluate the future of policing structures and arrangements in Northern Ireland. The Commission's goal was to recommend proposals that would ensure that the police service in Northern Ireland enjoys widespread support from the community as a whole. Both sides of the community generally recognized the qualifications of the members of the commission. The Commission published its recommendations on September 9. It calls for the RUC to be depoliticized and includes restoring some measure of local control of the police, increasing the number of Catholic officers (who now make up only 8 percent of the force), and significantly reducing the size of the force. Unionists reacted negatively to the prospect of substantive changes to the RUC, and many were particularly critical of Patten's recommendation to change the name and symbols of the force. On the other hand, human rights groups, while applauding his human rights-based approach, pointed out that no mechanism was included in Patten's recommendations that would hold accountable any serving RUC officers who might have committed human rights abuses.

The independent assessor of military complaints continued coordinating investigations into complaints of abuses committed by the army. During the year, 31 formal and 541 informal complaints were received, primarily for harassment or abuse. In his 1998 annual report, the independent assessor expressed concern that neither he nor the new police ombudsman had oversight over complaints about soldiers arresting terrorist suspects independently from the police.

The independent commissioner for holding centers in Northern Ireland made irregular, unannounced visits to holding centers in order to observe interrogations and interview detainees. There were over 190 visits to the Northern Ireland's 3 holding centers during the year by the commissioner and his deputy, compared with 176 each in 1998 and 1997. The number of complaints, generally for verbal harassment or "technical assault," dropped substantially.

The police in Northern Ireland continued to use plastic bullets to quell civil disturbances. However, given the relative quiescence of the summer marching season (see Section 2.d.), their actual use was negligible. The RUC reported that only 1 plastic bullet was fired during the first 2 weeks of July, compared with 837 in the same period in 1998 and 2,510 in 1997. The RUC reported that an additional five plastic bullets were fired at members of a crowd throwing firebombs at police patrols in Lurgan on August 14. In total the security forces fired 111 plastic bullets during the year, compared with 1,299 in 1998. According to RUC rules, plastic bullets should be aimed below the rib cage; nevertheless, medical studies confirmed that serious head and upper body injuries have resulted from plastic bullet use in the past.

Plastic bullet use in Northern Ireland is criticized severely by human rights monitors, although the European Court of Human Rights ruled in 1984 that using them to quell serious riots did not contravene the European Convention on Human Rights. The U.N. Committee Against Torture, the European Parliament, Human Rights Watch, and other NGO's have called for a ban on their use. The Government considered alternatives but stated that most options were found to be either more dangerous or inaccurate. In July the Home Secretary approved guidelines recommended by the Association of Police Officers on the use of plastic bullets in public order situations. The guidelines did not eliminate the use of plastic bullets; but in a change from past practice in Northern Ireland where the RUC was permitted to use plastic bullets to defend property, preserve the peace, or prevent or detect crime, the new guidelines specified that plastic bullets were to be used only in cases of serious risk to life or injury. After conducting its own investigation, the Patten Com-

mission also did not recommend the banning of plastic bullet use, although it encouraged the use of alternative crowd control measures.

Human rights activists continued to call for the closure of all holding centers, including the Castlereagh Holding Center, because of persistent complaints of police impropriety in the interrogation process. (The independent commissioner for holding centers for Northern Ireland also has recommended the closing of the Castlereagh Holding Center because of the facility's poor physical state.) In January audio recording equipment was introduced to supplement the video recording equipment installed in 1998 for use during interrogation sessions in all three Northern Ireland holding centers. Human rights groups have criticized the fact that the video and audio recordings are not produced through one synchronized system and therefore have diminished value in verifying the content of a given interrogation session. In December the RUC announced the closure of the Castlereagh Holding Center effective at year's end. Both the Gough and Strand Road Holding Centers remained open.

In August the Director of Public Prosecutions decided not to bring charges against any RUC officers involved in the case of David Adams, who was assaulted during his arrest and initial incarceration at the Castlereagh interrogation center in 1994. Adams later was sentenced to 25 years for conspiracy to murder. In 1998 a Belfast court awarded Adams $48,000 (30,000 pounds) for exemplary damages. Following this court decision, an independent inquiry into Adams's treatment was initiated by the assistant chief constable of Strathclyde. On the basis of this report, the DPP declined to pursue charges against any of the officers involved.

The police harassed Travellers and members of other minorities. In February black motorist Carl Josephs lost his suit against the West Midlands police for harassment. He was stopped 34 times in 2 years while driving. The jury found against him on the charge that officers had conspired against him, but he was awarded $2,600 (1,000 pounds) in damages for unlawful arrest. In April the Home Secretary ordered the police to recruit 8,000 officers from ethnic minorities within 10 years. A December report by an academic researcher that was commissioned by the London Metropolitan Police revealed that Asians (in the UK the term usually refers to south Asians, mostly Indians and Pakistanis) are more likely to stopped and searched for drugs than whites or blacks. The report warned that the police risk alienating a generation of young Asians by misusing their stop and search powers.

Through June 30, the armed forces registered a total of 61 internal harassment complaints. This number represents a significant decrease over past years. Of these 32 were for sexual harassment, 14 for racial harassment, and 15 for bullying or other harassment. A complaint procedure was implemented fully in 1997. Service personnel also have the right to submit complaints to employment tribunals. In March 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on victims who lived in areas under paramilitary influence. The attacks often were carried out to settle scores within paramilitary groups and often, but not exclusively, targeted members who broke ranks. Such orders of expulsion and vigilante attacks also were targeted against those who engaged in so-called antisocial activities, such as drug dealing and carjacking. Paramilitary groups used these methods to maintain or extend their control and influence in their respective communities. The attackers beat their victims with iron pipes, baseball bats, sledgehammers, and spiked clubs and shot victims in the knees and legs. During the year, the RUC recorded a total of 206 casualties as a result of paramilitary style attacks. This includes 73 shootings (47 loyalist, 26 republican) and 132 assaults (91 loyalist, 42 republican). Human rights groups say that these figures underreport the true number of casualties because many of the victims feel too intimidated to report paramilitary punishment attacks.

Prison conditions generally met minimum international standards. In the chief inspector of prisons' annual report, published in April, overcrowding, the poor quality of local prisons, and prison maintenance were identified as continuing problems despite an increase in resources. The prison population in England and Wales decreased in July by 1.2 percent over the same period the previous year. The home detention curfew program, administered by the electronic monitoring unit of the Home Office, began operations on January 28, and as of August 11, 8,794 offenders availed themselves of it. The program is considered a success by the Prison Service, with fewer than 5 percent of offenders recalled to prison.

The Prison Service reported 148 deaths of prisoners in England and Wales during the year, compared with 131 such deaths in 1998. Of these deaths, 91 were self-inflicted (83 in 1998) and 57 were due to natural causes (45 in 1998). The Scottish Prison Service reported 21 deaths in custody in 1999: 12 suicides and 9 from natural

causes. The Prison Service implemented policy changes in an attempt to curb the number of prisoner suicides and continues to develop suicide prevention strategies. The NGO Prison Reform Trust endorsed the measures taken by the Prison Service.

Human rights groups have been particularly critical of special security units (SSU's), which are used to hold prisoners deemed to pose an exceptional risk of escape. Citing small group isolation, the lack of adequate exercise, work, educational opportunities, and natural daylight, as well as strict enforcement of noncontact visits through a glass barrier, human rights groups have condemned SSU imprisonment as violating international standards. A 1996 government inquiry concluded that prolonged incarceration could lead to mental illness. The Government took steps during the year to address these concerns. According to the Prison Service, inmates in SSU'S now are provided with details of their cases and security category. Regular health checks have not revealed deterioration in the health of these prisoners. Once a prisoner is no longer classed as an "exceptional risk," he is moved out of the SSU. According to the NGO Prison Reform Trust, while in theory prolonged incarceration could lead to mental illness, there were no current cases in which this had occurred. At year's end, nine prisoners remained in SSU's; none was imprisoned for Northern Ireland terrorist-related crimes.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland office and the Scottish Office.

The number of female prisoners continued to rise. According to an August Home Office report, women now commit 20 percent of all crime, and the number of women sent to prison doubled in the past 6 years. The Women's Policy Group of the Prison Service undertook a special review of the needs of mothers in prison and published its findings in July. Its lengthy list of recommendations was based on the premise that a mother and baby unit in prison would allow the mother-baby relationship to develop while safeguarding and promoting the child's welfare. In December the Prison Service announced that it was accepting the majority of the recommendations in full, resulting in new procedures governing admission to the units and published standards for their management. These changes are to come into effect in early 2000.

Faced with a large increase in the number of asylum seekers, the Government housed approximately half of immigration detainees in regular prisons, where they normally are held separately from convicted prisoners and prisoners awaiting trial. According to human rights groups, 28 regular prisons house some immigration detainees. The chief inspector for prisons for England and Wales repeatedly has called upon the Home Office to establish specific guidelines for the treatment of asylum seekers in detention centers and prisons, as no such guidelines currently exist. The U.N. High Commissioner for Refugees (UNHCR) and other groups cite a lack of specialized skills among regular prison officials in dealing with immigration detainees. The UNHCR regularly visits detention centers and has excellent relations with the Government and detention center officials; however, it criticizes the Government's "expectation of noncompliance" by asylum seekers.

The Prison Service stated that three prisoners were convicted in May of offenses related to the situation in Northern Ireland. The requests by all three for repatriation to the Republic of Ireland are under consideration. Since the prisoners committed their offenses after the signing of the Good Friday Agreement, they are not covered by its provisions for the early release of prisoners.

The Government permits human rights monitors to visit prisons and immigration detention centers.

d. *Arbitrary Arrest, Detention, or Exile.*—The authorities can and often do make arrests or detain suspects without judicial warrants, especially in Northern Ireland, when they believe that they have reasonable cause to suspect wrongdoing. The 1994 Criminal Justice and Public Order Act allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) "reasonably believes" it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances.

The 1991 Northern Ireland Emergency Provisions Act (EPA) permits a soldier on duty, a member of the Royal Irish Regiment, or a police officer to arrest and detain for up to 4 hours "a person who he has reasonable grounds to suspect is committing or is about to commit any offense." Provisions for indefinite internment without trial were eliminated in the 1998 reauthorization of the EPA.

The Prevention of Terrorism (Temporary Provisions) Act (PTA) allows the police to arrest without a warrant anywhere in the country persons they have reason to suspect of being involved in terrorism. The authorities may detain such persons (even those under the age of 18) for up to 48 hours without legal representation or judicial review. Suspects may be interrogated during this time, and confessions ob-

tained may be used in subsequent court proceedings. Under the PTA, detainees are granted the right to have lawyers present during interrogation in England or Wales, but not in Northern Ireland. Detention without charge may be extended up to a further 5 days on the authority of the Home Secretary, or in Northern Ireland, the Secretary of State for Northern Ireland. Extensive PTA detention powers were held in breach of the European Convention on Human Rights, which led to a derogation by the government in 1988 (see Section 1.e.).

The PTA is the most reviewed piece of legislation in the United Kingdom. It expires every 2 years and, due to the changing security situation, is amended or altered to account for those changes. Nevertheless, critics charge that the annual review is superficial and insist that the PTA should be repealed. In November the Government introduced a new Prevention of Terrorism Bill intended to replace the PTA and Northern Ireland emergency laws. It covers foreign-based as well as domestic groups and introduces a new and wider definition of terrorism that was criticized by some for being too broad. Debate on the bill is to continue in 2000.

In England, Scotland, and Wales suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates' court or arrested under PTA provisions. The court may authorize extension of detention by 36 hours and on further application by another 24 hours, versus the 48-hour scheme extant in Northern Ireland (see Section 1.e.).

Defendants awaiting trial have a statutory right to bail unless there is a risk that they would abscond, commit an offense, interfere with witnesses, or otherwise obstruct the course of justice, or unless they were on bail when the alleged offense was committed. Defendants who are remanded in custody are protected by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 182 days, unless the court grants an extension. At year's end, 24,622 defendants were awaiting trial, of whom 5,882 were in custody. Of those in custody, 4,973 had been awaiting trial for less than 24 weeks, while 188 had been waiting longer than 48 weeks. Fewer defendants were awaiting trial and fewer of those were in custody compared with 1998; the breakdown by time awaiting trial was virtually identical. The 1998 Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The law gives administrative detention power to immigration officers. There is no time limit to such detention and no right to have it reviewed by a court. At any given time, approximately 750 asylum seekers are detained (less than 1 percent of all asylum seekers). They are detained either in immigration detention centers or in regular prisons (where they are normally held separately from convicted prisoners and those awaiting trial). Occasionally they are held in police cells, if for no more than 48 hours and pending removal from the country or transfer to another accommodation (see Section 1.c.). At the end of June, 680 asylum detainees were being held.

Approximately 16 percent of them had been held continuously for less than 1 month, 38 percent for 2 to 6 months, 23 percent for 6 to 12 months, and 7 percent for more than 12 months. Unlike those accused of criminal offenses, asylum seekers are given no written statement about why they were detained, although the practice is to provide them with updates on the status of their claims and the time required for their adjudication. Asylum seekers do not have an automatic right to apply for bail, and bail application, which can be made to immigration appellate authorities, requires a relatively high level of surety. The Home Office states that detention is used only where there are good grounds to anticipate noncompliance with the terms of temporary admission and that the practice affects less than 1 percent of asylum seekers at any given time.

The Government does not use exile (also see Section 2.d.).

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the province. It is difficult to get an accurate count of those who have left Northern Ireland under threat from a paramilitary group. Estimates of the number of people who fled into exile since the signing of the Good Friday Agreement range as high as 800. A local NGO that assists many of those under threat reported 314 cases through June. Of those cases, 71 left the immediate area of threat, 38 left their city of residence, and 29 left Northern Ireland. In 80 cases, further investigation revealed that no threat existed, and in 17 cases intervention by the agency lifted the threat. Over half of these persons were over the age of 25, and most were unemployed.

e. *Denial of Fair Public Trial.*—The judiciary is independent and provides citizens with a generally fair and efficient judicial process.

There are several levels of courts. The vast majority of criminal cases are heard by magistrates' courts, which are managed by locally based committees. Their deci-

sions may be appealed to the Crown Court, which also hears criminal cases requiring a jury trial, or to the High Court. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission (CCRC) operates as an additional appellate body to investigate suspected miscarriages of justice in England, Wales, and Northern Ireland. It considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction. In Scotland similar appeals may be made to the Scottish Office.

The law provides for a fair trial, and the authorities respect and enforce the law in this regard. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right to appeal to successively higher courts.

The 1998 Human Rights Act is to take effect in October 2000, bringing the European Convention on Human Rights into British law (see Section 4). Under this law all public bodies must act in a manner compatible with the convention. The law provides citizens with the right to take alleged violations of the convention into British courts. The United Kingdom derogated from Article 5(3) of the convention, dealing with prompt resolution of a case after arrest or detention. NGO's criticize the derogation, which also applies to the Human Rights Act.

To date no one in Northern Ireland has been arrested or detained under the 1998 Criminal Justice (Terrorism and Conspiracy) Act. Under this legislation, the testimony of a senior police officer is considered prima facie evidence of a suspect's membership in a proscribed terrorist organization. The act also criminalizes a conspiracy in the United Kingdom to commit terrorist acts outside the country. The act also allows for the seizure of property of a person convicted of membership offenses under the act, if used in furtherance of the activities of the organization. Human rights organizations express concern that the act violates certain fundamental rights, such as the right to silence and the rights to freedom of expression and association.

Under the 1994 Criminal Justice and Public Order Act, judges have the power to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee sharply criticize this provision, which they consider an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland. Based on a 1996 European Court of Human Rights judgment, the 1999 Criminal Evidence (Nothern Ireland) Order codifies guidelines issued by the Attorney General that prohibited the drawing of inference from silence when a suspect is questioned before being permitted access to an attorney.

Indigent defenders have the right to free counsel of their choice, with some exceptions. Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In Northern Ireland, special "emergency" restrictions affect due process. Under the 1991 Northern Ireland Emergency Provisions Act (EPA), trials for certain terrorist-related offenses are tried automatically in "Diplock courts" without a jury unless they specifically are "scheduled out" to ordinary jury courts. Diplock courts were established to avoid cases being heard by juries that might make decisions along sectarian lines, as well as to protect jurors from intimidation by terrorists. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. Through March 25 persons had been tried in Diplock courts; 23 persons either pled or were found guilty. The Diplock courts have been widely criticized by human rights groups, as well as various U.N. committees. The 1998 EPA increased the number of scheduled offenses that may be assigned at the Attorney General's discretion, for trial by jury. This was expected to reduce the number of cases considered by Diplock courts, but given the overall decrease in the incidence of offenses, it is difficult to assess the impact of this change.

The EPA does not exclude the use of uncorroborated confessions, which in Northern Ireland may, and have been, used as the sole basis for conviction. Additionally, the EPA permits the police to prevent any suspected terrorist from contacting legal counsel for up to 48 hours after arrest under certain circumstances, at the request of a police officer with the minimum rank of superintendent. After a detainee has asked to see a lawyer and has done so, this period is renewable in subsequent 48–hour periods until the detainee is charged or released. Human rights groups have criticized these provisions, arguing that a detainee is most likely to need counsel

in the first few hours; lack of counsel during that time makes false or coerced confessions and the abuse of detainees more likely. According to the Northern Ireland Office, through September, 270 requests for access to lawyers were made, 19 of which were delayed.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyer's access to potential evidence held by the prosecution, including information as to how the evidence was collected. According to the Committee on the Administration of Justice, a local NGO, this practice may be contrary to U.N. guidelines on the role of prosecutors.

Lawyers' groups in Northern Ireland and elsewhere expressed serious concern about threats of death and serious physical injury directed against defense lawyers by prison guards, relayed to them by their prisoner clients. Solicitors continue to lodge complaints against the RUC but say that little is done to address their complaints.

In January the U.N. Special Rapporteur on the Independence of Lawyers and Judges issued a followup to his 1998 report, calling upon the Government to conduct an independent and impartial investigation into the murder of solicitor Patrick Finucane. The U.N. Special Rapporteur also accused the RUC of "complete indifference" to allegations of lawyer harassment and reiterated his conclusion that there was prima facie evidence of military or RUC collusion in Finucane's murder (see Section 1.a.). In his January report to the U.N. Human Rights Commission, the U.N. Special Rapporteur expressed concerns about the RUC's impartiality in investigating Rosemary Nelson's murder and further stressed his recommendation for an independent inquiry into Patrick Finucane's murder.

His previous 1998 report recommended that the government conduct independent and impartial investigations of all threats to legal counsel and, where there is a specific physical threat, that it provide the necessary protection, investigate the threat and bring the guilty party to justice. The Special Rapporteur also recommended that lawyers lodge formal complaints and that the RUC organize training seminars for police officers. Also according to the Special Rapporteur, the Bar Council and the Law Society should be more vocal in their defense of solicitors subject to harassment and intimidation and begin a dialog with the RUC on how best to address the problem.

In response to the U.N. Special Rapporteur's report, the chief constable denied that the RUC was indifferent to the allegations of collusion. Upon receipt of the complaints mentioned in the report, he said that he approached the Law Society of Northern Ireland to open a channel of communication.

A review of the structure, management, and funding of the criminal justice system in Northern Ireland continued through the year. A report from the Government was scheduled for release in October but was postponed until early 2000

In support of the Good Friday Agreement, the Government continued during the year to release prisoners affiliated with paramilitary organizations that maintain a cease-fire. As of September, 292 paramilitary prisoners, including 149 republicans and 133 loyalists (and 10 "others") were paroled under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program. As of July 31, there were 14,631 British troops in Northern Ireland, the lowest level since the 1970's.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Warrants normally are required for a police search of private premises; however, under the 1991 EPA members of the armed forces or the police in Northern Ireland may enter and search "any premises for the purpose of arresting a person for an arrestable offense, but only if he or she has reasonable grounds for believing that the person being sought is on the premises." The Northern Ireland courts have interpreted the requirement for "reasonable" grounds broadly. The government compensates persons whose houses or property have been damaged during house searches.

The fear of intercommunal violence has, over the years, led to a pattern of increasingly segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighborhoods. This pattern continued despite the Good Friday Agreement's approval in referenda.

In Northern Ireland, although paramilitary attacks on the homes and families of police and politicians decreased significantly, the security forces believe that paramilitary groups continue to conduct surveillance and target police and politicians.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—Strongly held common-law tradition, an independent press, and a democratic political system combine to secure freedom of

speech and of the press. Viewpoints critical of the government are well represented. The print media are dominated by a handful of national daily newspapers, all privately owned and independent (although often generally aligned with a political party). About half the electronic media are run by the British Broadcasting Corporation (BBC), which is funded by the government but enjoys complete editorial independence. Corporations under renewable government license run the remainder.

In April a leading BBC television personality, Jill Dando, was shot and killed in London. Dando anchored a program that helped track down leading criminals.

In April the Independent Television Commission, which regulates broadcasters, permanently revoked the license of MED–TV, a pro-Kurdish station that broadcast programs "which included inflammatory statements encouraging acts of violence in Turkey and elsewhere," according to the Commission.

Press organizations and human rights groups continued to criticize the 1981 Contempt of Court Act, which allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice. The 1984 Police and Criminal Evidence Act also contains provisions that compel journalists to give evidence in cases where police can prove it is necessary to their investigation. The Official Secrets Act, another law cited by journalists as unduly restrictive, prohibits the defense that the information is already in the public domain or that its publication is in the public interest.

A 1997 White Paper (a proposed policy paper drafted in preparation for legislation) on freedom of information asserted that the Government would introduce legislation that would allow widespread public access to official information and documents, require public organizations to regularly publicize data, and improve individual access to personal information. In May the Government published its draft freedom of information bill.

Members of Parliament, NGO's, the press, and campaigners for freedom of information widely criticized the bill, primarily because of the number of blanket exemptions to the release of information. In July two select committee reports called for substantial improvements to the bill. During the second reading of the bill in the House of Commons in December, criticism of the bill continued.

In connection with the Patrick Finucane investigation in Northern Ireland, local newspaper editor Ed Moloney was ordered by a Belfast court in August to turn over notes from a 1990 interview with William Stobie, who was charged in June with the murder of Finucane. Moloney refused and was facing charges of contempt of court and obstruction of justice. In October the High Court in Belfast quashed the lower court request. Human rights groups point out that the decision will be of little assistance to journalists in the future because the High Court ruled that Moloney's notes were not of material assistance to the investigation, not that Moloney, as a journalist, had a right to protect his sources.

Academic freedom is respected.

b. *Freedom of Peaceful Assembly and Association.*—The law provides for the right of peaceful assembly, but that right is limited routinely where it would impose a cost on public convenience.

In Northern Ireland the annual "marching season" posed significant problems for the Government since the right of assembly conflicted with the concerns of local residents in some communities who perceived the marches as the celebration of Protestant "triumphs" in historical battles. The 1998 Public Processions (Northern Ireland) Act transferred responsibility for ruling on disputed parades from the RUC to the newly established Parades Commission. Of the 3,200 parades held in 1999, the Parades Commission imposed route restrictions on 203; 38 of those parades were related to the Drumcree situation.

Although tensions were high during the period prior to the Drumcree parade in Portadown on July 4, the massive security presence, the use of parade marshals, and general restraint among the marchers allowed the parade to take place relatively peacefully. Most of the summer marching season was quiet, with the notable exception of the Apprentice Boys' Siege of Derry parade on August 14. During a smaller associated parade in Belfast, police struggled with protesters who refused to end a sitdown protest across the path of an Apprentice Boys march. Trouble continued later that day in Londonderry, when security forces and nationalist protesters clashed during a security operation designed to separate nationalist crowds and Protestant marchers. In the late evening, long after the parade had ended, several businesses in the center of the city were looted and burned.

The law provides for freedom of association, but that right is limited. Under the Prevention of Terrorism Act, the Secretary of State for Northern Ireland may proscribe any organization that is involved in, promotes, or encourages terrorism connected to Northern Ireland. In March the Government banned two Northern Ireland Protestant paramilitary groups, the Orange Volunteers and the Red Hand Defend-

ers, for their continuing involvement in sectarian violence. Membership in proscribed paramilitary groups is punishable by up to 10 years' imprisonment. Supporting paramilitary groups is also an imprisonable offense, as is wearing clothing that arouses a reasonable suspicion that the wearer belongs to or supports a proscribed organization. Although some human rights organizations do not object to the law, others argue that it violates fundamental rights of freedom of association and expression.

c. *Freedom of Religion.*—Governmental policy and general practice ensure freedom of religion for traditional and nontraditional worshippers. Despite the existence of state religions (the Anglican Church of England and the Presbyterian Church of Scotland), members of all faiths and denominations enjoy freedom of worship. The new Human Rights Act prohibits discrimination on the basis of religion. Those who believe that their freedom to worship has been abrogated have the right to appeal to the courts for relief.

The 1988 Education Reform Act requires that government schools hold a daily act of nondenominational Christian worship. A parental right of withdrawal exists for children who do not wish to participate, and safeguards exist for teachers who do not wish to participate in or conduct religious education. The act provides for alternative collective worship for other faiths. Teachers' organizations have called for government review of the act.

Although not enforced, blasphemy with respect to Christian beliefs is still technically illegal. Several religious organizations, in association with the Commission for Racial Equality, are attempting to either abolish the law or expand it to protect all faiths.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation. In 1997 the Home Secretary revoked all exclusion orders preventing individuals linked to terrorism in Northern Ireland from traveling to Great Britain. When the Prevention of Terrorism Act was renewed in 1998, it did not include provisions for exclusion orders. However, the Home Secretary has the power to activate other statutes implementing exclusion orders at any time.

The Government cooperates closely with the UNHCR and other humanitarian organizations in assisting refugees. First asylum is provided under a temporary protection process started in 1992. The number of asylum seekers entering Britain rose on a monthly basis, and at year's end, 102,870 applications were outstanding, compared with 64,770 applications outstanding a year earlier. Under the first asylum program, successful applicants are given 6 months' "leave to enter the country" on arrival. They then can apply for an automatic 3½-year extension of their stay and may apply for refugee status at any time. Such applications are considered in accordance with the criteria set out in the 1951 U.N. Convention Relating to the Status of Refugees. Some asylum seekers are detained while the Government reviews their cases (see Section 1.d.); some are detained in regular prisons (see Section 1.c.).

The Asylum and Immigration Act of 1996 broadened the right of appeal for failed asylum seekers, introduced provisions to deter abusive asylum applicants and illegal entrants, and imposed restrictions on persons subject to immigration control seeking employment, housing, and social security benefits. Of decisions taken on asylum applications during the first 6 months of 1999, 32 percent recognized the applicant as a refugee and granted asylum, and 7 percent granted "exceptional leave to remain" but refused asylum. The remainder were refused.

In late 1998 the Government introduced a visa requirement for Slovak citizens in response to the large number of Slovak Roma who sought asylum. The Government maintains that the Roma are economic migrants, not true refugees. In October Prime Minister Blair wrote to Czech Republic Prime Minister Milos Zeman expressing concern at the large number of Roma from the Czech Republic seeking asylum in the country.

Following its 1998 White Paper, the Government passed its Immigration and Asylum Bill in November to modernize and integrate the immigration and asylum system. Among other things, it is designed to streamline the right of appeal and create new support arrangements for asylum seekers, strengthen immigration law enforcement powers, and reform detention arrangements.

There were no reports that persons were forced to return to countries 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 freely exercise that right. The government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years.

Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. As in the rest of the country, Northern Ireland has city and district councils, but with fewer powers. England and Wales also have county councils. The Scottish Parliament and the Welsh Assembly opened on July 1. These devolved bodies assumed control over matters of regional importance such as education, health, and some economic matters. Foreign affairs and defense continue to be the responsibility of the central government. After a review of the Good Friday Agreement from September through November, power was devolved to the Northern Ireland Assembly on December 2.

The remaining UK Overseas Territories have an aggregate population of approximately 160,000. They enjoy varying degrees of self-government on the British model, with appointed governors.

Women and minorities face no legal constraints on voting or holding office, but women are underrepresented in government and politics: they constitute 18 percent of the Members of the House of Commons and nearly 16 percent of those in the House of Lords. A total of 27 Members of Parliament have identified themselves as being members of minority ethnic groups.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights issues and cases. Government officials are generally cooperative and responsive to their views.

A number of international nongovernmental human rights organizations, including Amnesty International and Human Rights Watch, are based in the country. The Government cooperates fully with international inquiries into alleged violations of human rights.

The 1998 Human Rights Act incorporated the provisions of the European Convention on Human Rights into domestic law. The main provisions of the act are to be implemented in October 2000, although some provisions already have taken effect. The act is to take effect first, in practice, in Scotland, Wales, and Northern Ireland. Under the terms of the devolution legislation, the devolved institutions do not have the power to do anything that is incompatible with the convention's provisions.

In January the Home Office created a human rights task force made up of representatives of the government and NGO's to coordinate publicity, guidance, and training in preparation for the act's implementation. Proceedings under the Human Rights Act can be brought only by victims of a breach of convention rights by a public authority. The human rights unit of the Home Office is developing and is to carry out human rights policy and legislation.

The Government has not created a human rights commission but has not ruled out doing so in the future. According to the NGO, Article 19, the Human Rights Act's lack of provision for a commission or commissioner makes implementation difficult. In Northern Ireland a commission was established as an outcome of the peace process. While cases may still be taken to the European Court of Human Rights, all domestic remedies must be exhausted first.

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

The Race Relations Act of 1976 prohibits discrimination on the basis of race, color, nationality, or national or ethnic origin and outlaws incitement to racial hatred. These protections were extended to Northern Ireland in 1997. However, some groups continued to experience official and societal discrimination.

Employment discrimination on the grounds of religious or political opinion was outlawed specifically in Northern Ireland by the Fair Employment Act. The Fair Employment and Treatment Order of 1998, which took effect in January, extends the prohibition on discrimination to goods, facilities, services, and premises. Discrimination on the basis of religion only is illegal in Great Britain when its effect is to discriminate against a member of a minority ethnic group. The government respects and enforces all antidiscrimination laws, which concentrate on employment and the supply of goods and services.

The Northern Ireland Fair Employment Commission, Equal Opportunities Commission, Commission for Racial Equality, and Disability Council were amalgamated

into the Equality Commission in October. The Northern Ireland Office appointed 21 members to the Commission in August.

In April 3 persons were killed and over 100 wounded in 3 bombings in London. A man was arrested and charged with all three bombings, one of which was carried out in a central London gay bar on April 30 and apparently was motivated in part by homophobia (see Section 1.a.).

In September a government report concluded that the fire service was institutionally racist, sexist, and homophobic. The report, carried out by the fire service inspectorate, found prejudice throughout the overwhelmingly white male service. The Home Office gave the fire chiefs 18 months to implement the report's recommendations for stronger leadership and cultural changes in order to improve equality and fairness in the service.

Women.—Violence against women continues to be a problem. In August a government report, "Living Without Fear," indicated that one in four women experience domestic violence at some stage in their lives, that reported incidents of rape have more than tripled over the past 10 years, that two women per week are killed by their current or former partners, and that women fear personal attack more than any other crime. Since the paramilitary cease-fires, reports of violence against women in Northern Ireland have increased.

Surveys also indicate that domestic violence is the violent crime the least likely to be reported to the police. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provides shelters, counseling, and other assistance for battery or rape and offers free legal aid to battered women who are economically reliant on their abusers. The government actively prosecutes perpetrators of domestic violence. The 1997 Protection from Harassment Act provides for prison sentences of up to 5 years for convicted stalkers. Provisional figures indicate that the act has been effective in assisting some women in challenging violence.

Also in "Living Without Fear," the Government outlined its long-term goals in eliminating violence against women, including plans to modernize legislation on sex offenses and reform the Offences Against the Person Act. The report summarizes government actions in protection, justice, prevention, and training. However, no legislative reforms were passed by year's end. The NGO, Change, welcomed the tone of the publication and its explicit references to violence against women as a crime, its plans for significant future research, and its 5-year commitment to making a real impact on women's lives.

Criminal action for sexual harassment cases must be prosecuted under assault legislation since no law specifically prohibits sexual harassment. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender sometimes take up to 3½ years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experience some discrimination in practice. The 1975 Sex Discrimination Act, as amended in 1986, prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. According to the Government's Equal Opportunities Commission (which supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines on good practice for employers), significant progress has been made towards equal opportunity for women since the Commission was established in 1975. The introduction of the national minimum wage in April, effective in August, was an important change in the effort to equalize pay. However, according to the Commission, women working full time earn approximately 20 percent less than their male counterparts in similar positions. NGO's indicated that progress towards equality of pay for equal work was the single largest problem confronting women, citing only an 8 percent increase in relative pay in the past 25 years.

In August the Government announced some maternity benefits reforms and provisions for unpaid parental leave that came into effect in December. A national child care strategy was set up to increase child care places, and in April the Government increased child benefits.

Women's issues within the Government are represented at the cabinet level by the Minister for Women, who heads up the women's unit, which engages in dialog with women and advises the government but has no authority for direct action.

Children.—The government demonstrates its strong commitment to children's rights and welfare through its systems of public education and medical care. The government provides free, compulsory education to age 16 and further education to age 18 if the student so desires.

While there is no societal pattern of abuse directed against children, indications are, despite a lack of reliable data, that child abuse is nevertheless a problem. Since the paramilitary cease-fires, reports of violence against children in Northern Ireland have increased.

Concern and publicity surrounding pedophiles is growing. As part of a government drive to protect the young from child abusers, previously secret registers of pedophiles are to be available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition suspected child abusers and convicted pedophiles are banned from working with children under the new Protection of Children Act, which was passed in July. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it is illegal for them to hire anyone named on it.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires.

In July the Youth Justice and Criminal Evidence Act was enacted, creating the sentence of referral to a youth offender panel for first-time young offenders who plead guilty and providing greater protection to vulnerable witnesses (children, the disabled, or the fearful).

Under the Prevention of Terrorism Act, the police can arrest and detain children as young as 10 years old for up to 7 days.

In December the European Court of Human Rights ruled that the human rights of two young boys had been violated by the intimidating nature of their 1993 trial in Crown Court. The boys were 10 years old when they murdered 2-year-old Jamie Bulger in 1993. The ruling will require sweeping changes in the way courts treat juveniles charged with murder or manslaughter and ends the role of the Home Secretary in setting minimum sentences for children.

Several recent court cases involving incidents of spanking or hitting again have raised the issue of parents' right to hit, following a European Court of Human Rights ruling in 1998 that a 9-year-old boy's rights were violated by his stepfather's caning. The 1998 School Standards and Framework Act extended the ban on corporal punishment in state schools to private schools and nursery schools. Child welfare groups have called for the outlawing of all corporal punishment of children.

People with Disabilities.—The 1995 People with Disabilities Discrimination Act outlaws discrimination against disabled persons in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. The 1993 Education Act imposes specific duties on local education authorities to make provision for the special educational needs of disabled children. The Disability Rights Commission (DRC) Act, passed in July, sets up a body whose functions include keeping the Disability Discrimination Act under review, assisting disabled people in bringing legal action, and promoting good practices among service providers. The DRC also has the power to conduct formal investigations.

Rights Now, a consortium of over 70 disability organizations campaigning for laws to end discrimination on the grounds of disability, reported that employers were 6 times more likely to turn down a disabled person for a job than a nondisabled applicant with the same qualifications.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility. In 1992 the government promulgated similar regulations for sensory-impaired persons, and regulations require that all taxis be wheelchair accessible by 2000. However, while generally improved, access to many buildings remains inadequate. Many buildings and train stations are so old that they do not have elevators. According to the NGO Scope, 94 percent of polling stations in the 1997 election had one or more disability access problems. As of September, stage two of the 1995 Disability Discrimination Act came into effect, requiring that all businesses accommodate disabled customers. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. For example, a restaurant chain might be expected to print a braille version of its menu while a small neighborhood cafe might simply have a waiter read a menu aloud for a blind person.

Religious Minorities.—According to the Community Security Trust, the number of anti-Semitic incidents in Britain during the year was 412, compared with 385 in 1998. Public manifestations of anti-Semitism are confined largely to the political fringe, either far right or Islamist.

A London Muslim cleric, Sheikh Omar Bakri Muhammad, said in October that playwright Terence McNally is the subject of a death edict for his portrayal of Jesus as a homosexual in his play "Corpus Christi."

Despite government efforts and the lowering of the overall unemployment rate in Northern Ireland, the unemployment rate for Catholic men persists at twice that of Protestant men.

The 1989 Fair Employment (Northern Ireland) Act, as amended, aims to end even unintentional or indirect discrimination in the workplace, and a public tribunal adjudicates complaints. All public-sector employers and all private firms with over 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices at least once every 3 years. Noncompliance can bring criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages. Although critics of the act asserted that its targets and timetables are too imprecise, most leaders of the Catholic community regard it as a positive step.

While the active recruitment of Catholics by the Northern Ireland civil service produced rough proportionality in overall numbers, the service acknowledges that Catholics remain significantly underrepresented in its senior grades. Service-wide employment cutbacks thus far have hampered efforts to overcome the imbalance. Government efforts to increase the recruitment of Catholics into the RUC (currently 92 percent Protestant) and related security jobs in Northern Ireland have been hampered by IRA killings and death threats, as well as by widespread antipathy in the Catholic community to the security forces. Despite recruitment efforts, the percentage of Catholic officers in the police force has not changed significantly.

During the summer marching season, arsonists attacked several Orange halls and Protestant churches around the province.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin and Travellers face occasional acts of societal violence and some discrimination. Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforces the laws and regulations in this area.

In April 3 persons were killed and over 100 wounded in 3 bombings in London. A white man was arrested and charged with all three attacks, two of which were directed at ethnic minority neighborhoods (see Section 1.a.).

The government-appointed but independent Commission for Racial Equality provides guidelines on good practice, supports persons taking court action under the Race Relations Act of 1976, and may initiate its own court action. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE then monitors the response to its notice for 5 years.

Repeated claims of police misconduct in the case of Stephen Lawrence, a black youth stabbed to death in south London in 1993, led to a 1998 inquiry into police actions during the investigation of Lawrence's murder. During the inquiry testimony, the London police admitted that there were serious flaws in the investigation, and they began to review and modify their methods of dealing with racially motivated crimes. The inquiry resulted in a widely noted report that was released in February. The report stated that the investigation was marred by fundamental errors, including a combination of professional incompetence, institutional racism, and a failure of leadership by senior officers. The sweeping report made 70 recommendations for changes in police practices.

The report served as an acceptance of the many flaws and failures involved in the case. No one was charged with the crime. The five white males accused of the crime cannot be charged again due to "double jeopardy" laws. Debate continues over possible changes to certain aspects of these laws, another recommendation of the February report. After a yearlong review of the conduct of the Lawrence case, the Police Complaints Authority recommended that five detectives face disciplinary charges. Four of these officers already were retired when the PCA announced its findings. The only officer to face charges was found guilty of two counts of neglect of duty and verbally reprimanded.

As a result of the Stephen Lawrence inquiry, the police instituted new training and community relations programs and pledged to improve overall public confidence and service. The Home Secretary ordered Scotland Yard to review investigative procedures in all unsolved alleged racist murders in London. Other chief constables have recognized that institutional racism exists within their forces. The Stephen Lawrence inquiry encouraged debate on the existence and depth of racism in society and how to deal with it.

A December report commissioned by the London Metropolitan Police showed that proportionately more blacks than whites are stopped and searched by police. Home

Office figures showed that blacks were six times more likely to be stopped by police than whites. The report also highlighted increasing drug searches of young Asians (see Section 1.c.).

In January the police acknowledged that Michael Menson, a black musician found on fire in the street in 1997, was the victim of a racist attack. The Race and Violent Crime Task Force, established as a result of the Stephen Lawrence inquiry, reopened the case, originally treated as a suicide, in December 1998. In December 1999, two men were convicted of killing Menson, and the ringleader was sentenced to life imprisonment. Police are pursuing formal complaints from the Menson family against the officers who initially investigated Menson's death.

In June the Police Complaints Authority apologized to the Reel family for "weaknesses and flaws" in the original investigation into the death of Ricky Reel, a young Asian found drowned in the Thames River in 1997. The PCA report was not made public. His family believes that Reel was the victim of a racial attack and claimed that police failed to investigate the crime properly. The police launched a new investigation under the Race and Violent Crime Task Force. In August Reel's mother made a joint appeal with the police for information about two white men suspected of racially abusing Reel on the night he disappeared. In November an inquest jury rejected the original verdict of accidental death and returned an open verdict in the Reel case.

Travellers, nomadic populations consisting of Roma, Irish, and "new" Travellers, estimated to number some 100,000 persons, experience marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. U.N. Committees on both the Rights of the Child and the Elimination of Racial Discrimination have expressed similar concerns. In August 1997 the Government passed the Race Relations (Northern Ireland) Order, which for the first time gave specific legal protection to minority ethnic groups there, including the Traveller community.

Section 6. Worker Rights

a. *The Right of Association.*—Workers have the right to form and join unions, and the Government respects this right in practice. A new Employment Relations Act—enacted by Parliament and signed into law in July—established the country's first procedures for statutory (as distinct from voluntary) union recognition.

Unions are free of government control. The new Employment Relations Act affords significant new protection to union organizing efforts and, for the first time, confirms the statutory right to strike. The act sets minimum employment standards for the first time in labor law. It also abolished the posts of "commissioner for the rights of trade union members" and the "commissioner for protection against unlawful industrial action." Created by previous governments, both offices were widely interpreted as politically motivated attempts to undermine the organized labor movement. However, much detail is left to implementing legislation (not expected to be completed before April 2000).

Unions participate freely in international organizations

b. *The Right to Organize and Bargain Collectively.*—Collective bargaining is longstanding and widespread, covering about 35 percent of the work force. Under the new Employment Relations Act, labor-management contracts are now enforceable in the courts.

Under the new act, unions can now file a request for recognition, identifying the proposed bargaining unit, to a revamped Central Arbitration Committee (CAC). The act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces.

Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC can issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the act encourages voluntary agreements between employers and unions, the CAC can, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

Workers are protected against dismissal or other retaliation for campaigning or voting for or against recognition. Unions no longer are required to name their members when initiating a strike ballot, to minimize opportunities for retaliation. The bill also prohibits the compilation of lists of union members and labor activists for

use by employers and employment agencies. This is aimed at "blacklists," as operated in the past. Dismissed strikers are able to claim unfair dismissal if fired within 8 weeks of when an employee first undertook a legal strike.

Union members are protected against "being subject to any detriment" due to union activity or membership. This protection goes further than the previous language of "action short of dismissal taken against him as an individual." Heretofore, it was legal for employers to withhold fringe benefits otherwise available to nonunion employees.

At the same time, the new act retains key policies implemented by previous governments, notably ballots and notice before strikes, abolition of the closed shop, secondary boycotts, and prohibition against mass picketing.

There are no export processing zones. The new Employment Relations Act also extends its protection to contract and part-time workers in an attempt to close loopholes that previously allowed some employers to evade labor regulations. Foreign workers are protected to the full extent of the law.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited and is not practiced, although the ILO has raised questions about the situation in privatized prisons.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—School attendance until age 16 is compulsory. Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course. Forced and bonded child labor is prohibited, and the Government effectively enforces this prohibition (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The country's first minimum wage went into effect on April 1 and benefited some 10 percent of the work force directly. It is $5.76 (3.60 pounds) for adults and $5.12 (3.20 pounds) for youth. This does not provide a decent standard of living for most workers with families, but other elements of the welfare state fill the gap. In particular the working families' tax credit and disabled person's tax credit—both implemented on October 5, 1999—are designed to ensure a working family a weekly income of $320 (200 pounds), which constitutes a living wage. It is estimated that some 1.5 million of the poorest households benefit from the new minimum wage.

The Government introduced a new working time directive in October 1998 to bring domestic legislation into compliance with the European Union's 48-hour workweek. Implementing regulations still are being developed, with considerable public input.

The Health and Safety at Work Act of 1974 stipulates that the health and safety of employees not be placed at risk. In practice the act is being updated and modified constantly. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitor enforcement of the act. Workers can remove themselves from hazardous conditions without risking loss of employment.

f. *Trafficking in Persons.*—No laws specifically criminalize trafficking in persons. The police have had success in prosecuting traffickers under other laws, such as those against pimping and living off of immoral earnings. A Home Office review of sexual offenses laws, to be completed in June 2000, is considering whether there should be specific laws that address trafficking. Under the 1999 Immigration and Asylum Act, persons found importing illegal immigrants can be fined $3,600 (2,000 pounds).

Trafficking in persons is a growing problem. A Home Office report on trafficking in women, expected to be issued in the spring of 2000, will address the problem. In February three Lithuanians were jailed for 3 years on charges of living off of immoral earnings by controlling four prostitutes they brought from Lithuania. In October and December, members of a Chinese gang were found guilty of false imprisonment and conspiracy to blackmail for bringing about 500 persons from China and then making them effectively into slaves. This ended a series of trials dating back to June 1998, in which 19 gang members were jailed for a total of 200 years.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch that serves him dominate political life. Chosen president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 plebiscite. Parliament subsequently

voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000. The executive branch dominates the Oliy Majlis (Parliament), which consists only of members of parties that support the President. Despite constitutional provisions for an independent judiciary, the executive branch heavily influences the courts in both civil and criminal cases.

There is effective civilian control over the military. The Ministry of Interior (MVD) controls the police. The police and other MVD forces are responsible for most normal police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. The police and the NSS committed numerous serious human rights abuses.

The Government has stated that it is committed to a gradual transition to a free market economy. However, continuing restrictions on currency convertibility and other government measures to control economic activity have constrained economic growth and led international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; the country is a major producer and exporter of cotton. It is also a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government has made some progress in reducing inflation and the budget deficit, but government statistics understate both, while overstating economic growth. There are no reliable statistics on unemployment, which is believed to be high and growing. The Government is taking some modest steps to reduce the host of formal and informal barriers that constrain the nascent private sector.

The Government's poor human rights record worsened, and the Government continued to commit numerous serious abuses.

Citizens cannot exercise their right to change their government peacefully. The Government has not permitted the existence of an opposition party since 1993. Election laws restrict the possibility of any real opposition parties arising or mounting a campaign. Minor changes enacted in August to the presidential, parliamentary, and local election laws did not ensure that future elections would be free and fair.

There were credible reports that security forces committed killings. Security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces beat, tortured, and harassed persons. The security forces arbitrarily arrested or detained human rights activists, pious Muslims, and other citizens on false charges, frequently planting narcotics, weapons, or forbidden literature on them. Prison conditions are poor, and detention can be prolonged. Police and NSS forces infringed on citizens' privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.

After five terrorist bombs exploded near government targets in Tashkent on February 16, security forces launched a particularly wide-ranging campaign of arrests and intimidation against all those whom the Government perceived as a threat. Among those arrested and tried were some persons with close links to avowed Islamist Uzbeks abroad who, the Government believes, were responsible for the bombings. However, other victims of the crackdown included members of the secular opposition, human rights activists, and hundreds, perhaps thousands, of overtly pious Muslims and members of Islamist political groups. While it is not possible to estimate the number of those arrested, observers believe that the scale surpasses any previous such action. Some human rights activists assert that tens of thousands of persons were arrested and remain in custody.

The judiciary does not always ensure due process and often defers to the wishes of the executive branch. The Government severely limits freedom of speech and the press, and an atmosphere of repression stifles public criticism of the Government. Although the Constitution expressly prohibits it, press censorship continues, and the Government sharply restricts citizens' access to foreign media. A new decree requires all Internet service providers to route their connections through a government server. The primary purpose of this measure, according to the Government, is to prevent access to what the Government considers harmful information. The Government limits freedom of assembly and association. The Government continues to ban unauthorized public meetings and demonstrations. A new law improves the formal legal framework for the formation, registration, and operation of nongovernmental organizations; however, the Government also continues to deny registration to opposition political parties as well as to other groups that might be critical of the Government. For example the Ministry of Justice repeatedly has denied the application for registration of the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU) have repeatedly applied for registration, citing technical deficiencies. Unregistered opposition parties and movements may not operate freely or publish their views. The Government limits freedom of religion. The Government harassed and arrested hundreds of Islamic

leaders and believers on questionable grounds, citing the threat of extremism. The Government tolerates the existence of minority religions but places strict limits on religious activities. Although the Government registered nearly 150 minority religious communities by year's end, several others were prevented from registering by local officials. There were cases in which university authorities expelled female students for wearing Islamic dress.

The Government continues to voice rhetorical support for human rights, but does not ensure these rights in practice. Although the election, religion, and media laws contain elements that theoretically support human rights, in reality the Government does not respect such provisions. The Office of the Human Rights Ombudsman, which was formed in 1997, reports that it is assisting hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police. The ombudsman's office issued reports identifying the most serious types of violations of human rights by government officials; however, most of the successfully resolved cases appear relatively minor.

Domestic violence against women is a problem, and despite a constitutional prohibition, there continues to be significant traditional societal discrimination against women. Trafficking in women and girls for the purposes of prostitution occurs.

Workplace discrimination against some minorities persists. There are some limits on worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no confirmed reports of political killings; however, security forces committed several killings. Security force mistreatment resulted in the deaths of several prisoners in custody.

On June 25, a Human Rights Watch representative viewed the body of Farkhod Usmanov, who was arrested on June 14 for the possession of a leaflet from the Islamic political group Hezbut Tahrir (Party of Liberation). The bruises and other markings on the body suggested that Usmanov, son of a well-known imam, died from torture while in custody. Officials claimed that he died of heart failure. Akhmadhon Turakhanov died in custody on June 19, reportedly because prison authorities refused to treat his diabetes. Turakhanov was a member of the unregistered Birlik Democratic Movement and the unregistered Independent Human Rights Organization of Uzbekistan. Although Turakhanov was not religious, officials accused him of being an Islamic extremist and charged him with hooliganism and conspiracy against the constitutional order. There were unconfirmed but credible reports of at least 13 other deaths by torture or beating. In one case, a man from Nukus, Azim Khodjaev, allegedly was beaten to death at a then-secret prison in Karakalpakstan in mid-July because he would not reveal the whereabouts of his sons whom the police were seeking. According to witnesses in Nukus, his body was bruised and missing its fingernails. Authorities gave the cause of death as heart failure.

Between August and early October, Uzbek security forces provided assistance to the Kyrgyz Government in dealing with an incursion into Kyrgyzstan from Tajikistan by a group of armed ethnic Uzbek militants. As part of the operations against the militants, a number of air strikes were carried out against their positions in southern Kyrgyzstan. In the first of these on August 15, the Uzbek Government acknowledged that its air force had responded to a direct request from the Kyrgyz. This incident resulted in no casualties. A subsequent strike on August 29 reportedly caused the accidental deaths of up to 12 noncombatants in a Kyrgyz village; however, the Uzbek Government never admitted responsibility for this incident, and its involvement remains unconfirmed.

The Government conducted no further investigation of the death in custody on October 30, 1998, of outspoken Muslim cleric Qobil Muradov.

There were no reported developments in the 1995 killing of Bokhtiar Yakubov, a witness linked to an opposition activist.

On February 16, 5 bombs detonated in downtown Tashkent and killed 16 persons. The perpetrators are believed to have been terrorist members of the Islamic Movement of Uzbekistan (IMU) or related groups. At year's end, the Government reported that it tried and convicted 128 persons in connection with this attack; 11 were sentenced to death. The first trial of 22 suspects in June was open to journalists and international observers, but subsequent trials were closed and held in secret. In a March 30 bus hijacking, terrorists killed three law enforcement agents. In November four forest rangers and three police officers were killed by a group of IMU members that they encountered in a mountainous region near Tashkent. In

the subsequent manhunt, 3 police special forces officers and 15 suspected insurgents were killed.

b. *Disappearance.*—There were no reports of politically motivated disappearances. It is now widely believed that Imam Abidkhon Nazarov, missing since March 5, 1998, fled the country to avoid arrest and was not abducted by security forces. There were no reported developments in the 1995 disappearance of Imam Abduvali Mirzaev, the 1997 disappearance of his assistant, Nematjon Parpiev, or the 1992 disappearance of Aboullah Utaev, leader of the Uzbekistan chapter of the outlawed Islamic Renaissance Party (IRP). Most independent observers believe that the three missing Islamic activists are either dead or in NSS custody.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the law prohibits these practices, police routinely beat and otherwise mistreat detainees to obtain confessions. Both police and the NSS used beatings and harassment against citizens.

Six citizens convicted for their links to the outlawed Erk Democratic Party and its leader Mohammed Solikh released a statement in August alleging that their captors tortured and beat them during 5 months of incommunicado detention from late-February to mid-July, in order to force them to sign incriminating statements. Police methods included use of electric shocks, near suffocation, and beatings with rubber sticks and plastic bottles filled with water. One of the defendants, noted writer Mamadali Makhmudov, released a separate statement, saying that police threatened to rape his wife and daughters in his presence before killing him.

Police detained, arrested, beat, and harassed members of various religious groups, including hundreds of Muslims and at least two groups of evangelical Christians (see Sections 1.d. and 2.c.).

Police routinely planted false evidence on citizens to justify arrests or extort bribes (see Section 1.d.).

Prison conditions are poor, and worse for male than for female prisoners. Due to limited resources, prison overcrowding is a problem. Human rights activists reported that the incarceration of 10 to 15 people in cells designed for 4 is common. Tuberculosis and hepatitis are endemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there are severe shortages of food and medicines. Political and religious prisoners often are not allowed visitors or any other form of contact with family and friends. There is a new prison complex in a remote area of the Republic of Karakalpakstan near the city of Jaslik. The Government has allowed family visits to a single facility in that area that houses 250 prisoners. Although prisoners are treated well prior to visits by relatives, conditions at the facility are reported to be poor, and as many as 17 prisoners allegedly died from mistreatment since May. There are rumored to be additional prison facilities nearby housing a large but unknown number of inmates. It appears that most of the prisoners transferred to Jaslik were convicted for their participation in unauthorized Islamic groups. In August police prevented a Human Rights Watch representative who attempted to view the complex from entering the area. The Government operates labor camps, but little is known about them; however, conditions of incarceration have been reported to be less severe than in prisons.

Akhmedin Turakhanov died in custody, reportedly due to prison authorities' refusal to treat his diabetes (see Section 1.a.).

The Government does not permit prison visits by human rights monitors such as the International Committee of the Red Cross.

d. *Arbitrary Arrest, Detention, or Exile.*—Security forces continued to arrest and detain individuals arbitrarily, without warrant or just cause. A Soviet-era detention law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the detained person must be declared officially a suspect, charged with a crime, or released. A person officially declared a suspect may be held for an additional 3 days before charges are filed. A prosecutor's order is required for arrests but not for detentions prior to the filing of charges. In practice these legal protections frequently are ignored. In some cases, police circumvent the rules by claiming that the detainee is being held as a potential witness and not as a suspect; there are no regulations concerning the length of time witnesses may be detained. A court date must be set within 15 days of arrest (or filing of charges) and the defendant may be detained during this period. A defendant may not have access to counsel while in detention but only after the first interview with an investigator. Once the trial date is set, detainees deemed not to be violent may be released on their own recognizance pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city. In practice this procedure rarely is used. During the period between arrest and trial, defendants are almost always kept in pretrial detention, which has been known to last as long as 2 years.

In ordinary criminal cases, the police generally are capable of identifying and arresting only those reasonably suspected of the crime. However, both the police and NSS are far less discriminating in cases involving perceived risks to national security. In the immediate aftermath of the February explosions in Tashkent, police arbitrarily detained hundreds of those whose religious or political inclinations made them suspect in the eyes of the security forces (also see Section 2.c.). The majority of those detained were released after questioning and detention that lasted as long as 2 months. Prosecutors have brought charges against 128 persons in connection with the bombings, and at year's end 11 had been sentenced to death.

Police routinely plant small amounts of narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes. The most frequent victims of this illegal practice are suspected members of nonofficial Islamic organizations such as Hezbut Tahrir. The first of numerous alleged Hezbut Tahrir members tried during the year was sentenced on May 14. The authorities convicted 11 of the 12 defendants—whose average age was 26—of possession of narcotics or weapons that their families claim were planted by the arresting officers. Most also were convicted of conspiracy against the constitutional order. They were sentenced to an average of 12 years in prison. Subsequent sentences against Hezbut Tahrir members were even harsher. The total numbers of those either tried and convicted or still in pretrial detention are unknown, but human rights activists contend that there are well over 1,000 and perhaps several thousand. Many of those in detention are political detainees. Police also allegedly have planted drugs on four persons in two Christian denominations in order to arrest them.

In the crackdown after the bombings, it was common for police to arrest, hold, beat, and even try family members of the suspects that the police actually were seeking (also see Section 1.f.). There were numerous reports of individuals surrendering to police in order to save their families. Police detained the wife, mother, brother, uncle, and brother-in-law of missing Imam Abidkhon Nazarov within a month of the bombing. While Nazarov's mother was released after brief questioning, his wife was held for 10 days (ostensibly for resisting the police) and the three males ultimately were given prison terms. Nazarov's brother Umarkhon was sentenced in Namangan to 11 years in prison on May 20. On the same day, his brother-in-law Abdurashid Nasriddinov also was sentenced to 11 years and his uncle Akhmadali Salamov to 4 years. All allegedly possessed extremist religious literature. The men allegedly were beaten during pretrial detention and repeatedly asked the whereabouts of the imam. Similarly, the police arrested three brothers of exiled Democratic Opposition leader Mohammed Solikh (see Sections 1.c. and 3).

Police detained, arrested, beat, and harassed various religious groups (see Sections 1.c. and 2.c.).

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—Although the Constitution provides for an independent judicial authority, the judicial branch takes its direction from the executive branch and has little independence in practice. Under the Constitution, the President appoints all judges for 5–year terms. They may be removed for crimes or failure to fulfill their obligations. Power to remove judges rests with the President, except for Supreme Court judges, whose removal also must be confirmed by Parliament.

The system of courts of general jurisdiction is divided into three tiers: district courts; regional courts; and the Supreme Court. In addition a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts on the regional level that deals with economic cases between judicial legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. The Criminal Code has reduced the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes punishable by death in the former Soviet code. Officially, most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants. However, except for the first trial in June, all trials of those suspected of involvement in the February 16 terrorist bombings were closed to international observers and the public on security grounds. In similar fashion, many trials of alleged Islamic extremists have been closed.

State prosecutors, called "procurators," play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. (There is no protection against double jeopardy.) Judges whose decisions have been

overturned on more than one occasion may be removed from office. Consequently, judges rarely defy the recommendations of prosecutors. As a result, defendants usually are found guilty.

Uzbekistan still uses the Soviet practice of trial by a panel of three judges: one professional judge and two lay assessors who serve 5 year terms and are selected from workers' collectives. The judge presides and directs the proceedings. However, in practice, judges often defer to the Government and its prosecutors on legal and other matters. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides a lawyer without charge, but by law the accused also has the right to hire an attorney. In practice the right to an attorney often is violated and there are numerous examples of denial of the right to counsel. In a July 13 trial, human rights activist Mahbuba Kasimova was denied the right to hire her own attorney. She was invited to a meeting with the judge that day only to discover when she arrived at the courthouse that she would be tried immediately. She requested to have her attorney present, but her request was denied; she was provided a court-appointed lawyer for the trial, which lasted only 3 hours before the judge sentenced her to 5 years in prison (see Section 4). On appeal the judge rejected the argument that she had been denied right to counsel, ruling that the state-appointed lawyer had represented her. In addition Human Rights Watch reported that several families of those accused in connection with the February 16 bombings hired their own defense lawyers, but the lawyers were denied access to their clients, both before and during the trial.

In practice most defense lawyers are unskilled at defending their clients. Courts often do not allow all defense witnesses to be heard, and written documents are given more weight than courtroom witnesses. In the first trial of those accused of involvement in the terrorist bombings, defense attorneys argued only that the defendants were sorry for their crimes and did not dispute the procurator's version of events.

The Constitution provides a right of appeal to those convicted, but such proceedings usually are formalistic exercises that confirm the original conviction. For example the appeal of Mahbuba Kasimova on August 17 lasted only 45 minutes, and the judge did not permit testimony. Kasimova was not allowed to be present at the appeal.

Authorities arrested and tried unfairly relatives of suspects and members of opposition groups (see Sections 1.d. and 3).

In September HRSU released a list of 505 "possible political prisoners," many of whom are political dissidents, human rights activists, or Hezbut Tahrir members who can be regarded as political prisoners. Many of them were associated with the Birlik or Erk opposition organizations in the early 1990's. Others were involved in independent Islamic activities. Many were convicted of nonpolitical offenses such as tax evasion, misappropriation of funds, or illegal possession of narcotics or firearms (also see Section 2.c.). It is widely believed that in the latter cases, arresting officers planted the incriminating material. The Government has rejected explicitly that any of the 162 individuals on an earlier HRSU list are political prisoners and denies that any prisoners held in the country can be classified as "political."

Abdurauf Gafurov, an Islamic activist imprisoned since 1996, was scheduled for release in May 1998; however, his sentence was extended for an additional 3 years based on testimony from fellow prisoners. He was amnestied and released in October.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Authorities infringe on these rights. By law only a prosecutor may issue a search warrant or authorize electronic surveillance. There is no provision for a judicial review of such warrants. Security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities.

The religion law (see Section 2.c.) prohibits private teaching of religious principles. There have been reports of students being expelled from or harassed and forced to leave various universities and secondary schools for wearing traditional Islamic dress. Human Rights Watch issued a report in October 1999 describing 28 confirmed cases from 1997 and 1998. In addition a group of 15 female students from Fergana State University claimed that they were forced to leave school in March (see Section 2.c.). Police arrested a number of men who wore beards, a traditional sign of Islamic piety (see Sections 1.d. and 2.c.).

Police arrested, detained, and beat family members of suspects that they were seeking (see Sections 1.a., 1.c., 1.d., 1.e., and 2.c.).

The Government does not allow general distribution of foreign newspapers and other publications. However, two or three conservative Russian newspapers and a variety of Russian tabloids and lifestyle publications are available. There is a mod-

est selection of other foreign periodicals available in Tashkent's major hotels, and authorized groups can obtain foreign periodicals through subscription. Although publication of local editions of many foreign publications, including newspapers such as Izvestia and Pravda, remains suspended, Moscow editions of Izvestia, Pravda, and other Russian papers currently are sold in newstands. The authorities do not permit rebroadcast of Russian programming that is critical of the Government (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Although the Constitution provides for "freedom of thought, speech, and convictions," the Government continues to limit these rights severely.

A 1991 law against "offending the honor and dignity of the President" limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public. The 1998 mass media law formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship. Nonetheless, several articles of the law, and the lack of due process provided for in their implementation, allow the Government to use the law to silence critics. One provision makes journalists responsible for the accuracy of the information contained in their news stories, potentially subjecting them to prosecution.

Another law permits authorities to close media outlets without a court judgment. Yet another prohibits stories that incite religious confrontation and ethnic discord. Finally, the law prohibits the registration of organizations whose purposes include subverting or overthrowing the constitutional order (see Section 2.b.).

All media outlets must be registered by a 17-member interdepartmental government commission. A media organization must provide information about intended content or programming, sources of funding, means of distribution, technical capabilities, founders, and sponsors. The media outlets registered by January 1 as required by law but paid higher annual fees and conformed to certain technical standards. Information remains very tightly controlled. Although the Constitution prohibits censorship, it is widely practiced and the Government tolerates little, if any, criticism of its actions. The last opposition newspaper to be published was that of the Erk Democratic Party, which has been banned within the country since 1993 but is published sporadically abroad.

There are no private publishing houses, and government approval is required for all publications. Newspapers may not be printed without the approval of the Committee for the Control of State Secrets. All newspapers are printed by state-owned printing houses, which refuse to print any newspaper whose editor does not confirm that the Committee has cleared the issue a few hours before being submitted. Journalists who want to ensure that their work is published practice self-censorship.

The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are government-owned and controlled; the key newspapers are organs of government ministries. Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. Two private newspapers (one in Samarkand and one in Tashkent) are permitted to operate without censorship. They have no editorial content and consist of advertising, horoscopes, and similar features.

Limited numbers of foreign periodicals are available, but the Government does not allow the general distribution of foreign newspapers (see Section 1.f.).

Four state-run channels that fully support the Government and its policies dominate television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcasts the Hong Kong-based Star television channels, including the British Broadcasting Corporation (BBC), Deutsche Welle, and Cable News Network world news, to Tashkent and a few other locations. Access to cable television is beyond the financial ability of most citizens.

There are between 30 and 40 privately owned local television stations and 3 privately owned radio stations. Generally, broadcasters practice self-censorship and enjoy some leeway in reporting critically on local government. Samarkand Independent Television, which operates four channels, is known for such reporting. However, it is clearly sensitive to political concerns from the Government and concentrates on nonpolitical news, yet it denies that it is censored formally.

In late November, the Government denied the annual reregistration of two independent television stations and suspended their licenses. One, in Urgench, allegedly failed to take required security measures; the other, in Guliston, allegedly had substandard equipment. Officials claimed that there was no political element to these

decisions and that registration would be reconsidered when the stations comply with the regulations. Foreign observers noted that these two stations are among the most independent of the commercial stations and interpreted the closings as a warning to other broadcasters not to upset the Government during the election season. The Urgench station, which now has filed a suit against the Government for damages, also had lost its registration temporarily in 1997, allegedly for technical violations of regulations. It was believed widely at the time that the real reason for the 1997 closure was that the owner had been a member of the Erk political party.

Enforcement of the registration and licensing requirements can be strict, and the Government's implementation of the media law does not function smoothly. Because the registration committee meets irregularly and because regulations require annual reregistration, up to one half of independent television stations have been forced to operate with expired licenses, meaning the Government could shut them down at any time. Owners reportedly believe that the Government intentionally delays registration in order to ensure that the stations broadcast nothing unfavorable.

Private radio and television broadcasters formed an independent professional association in 1998 (ANESMI). The association resisted both generous incentives and heavy pressure from the Government to elect the Government's candidate as chairman. Government officials openly threatened members of the group and the opposition candidate who was elected. Since that time, the Government has denied arbitrarily the group's registration application on four occasions since its founding, twice during the year. Ministry of Justice officials reportedly advised the group privately that it never would be registered. The lack of registration effectively restricts ANESMI's ability to attract international funding and operate legally.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's 1992 contractual agreement to allow this activity. The Government allows both organizations to have correspondents in the country. The BBC world service was required to broadcast on a very low FM frequency that most radios would not be able to receive, and then only after the BBC agreed in June to self-censorship. It is permitted to broadcast only 2 hours per day: 1 hour in Uzbek 5 days per week; 30 minutes in Uzbek the other 2 days; and 30 minutes in Russian 7 days per week.

On February 5, the President signed a decree directing all Internet service providers to route their connections through a state-run server. The avowed main purpose of this directive was to prevent the transmission of what the State considers as harmful information, including material advocating or facilitating terrorism, material deemed hostile to the constitutional order, and pornography. By year's end, the Government had connected all but four providers, but did not yet possess the equipment and expertise necessary to complete implementation of the decree. Government officials said that they foresaw connecting the remaining providers and introducing content filtering during 2000.

The Government has granted academic institutions a degree of autonomy, but freedom of expression still is limited. Most institutions are modernizing their curriculums, but find up-to-date textbooks too costly.

According to press reports, the Ministry of the Interior announced on June 18 that police had detained a large number of Hezbut Takhrir leaflet distributors in Tashkent. The leaflets severely criticized President Karimov and propagated a Muslim teaching banned in the country. Other arrests of leaflet distributors occurred throughout the year. A group of 15 female students at Ferghana State University were harassed and ultimately forced to leave school over the issue of religious dress (see Sections 1.f. and 2.c.).

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. In practice the Government restricted the right of peaceful assembly. The Government must approve demonstrations but does not grant permits to demonstrators routinely. In November a group of 30 to 40 veiled Moslem women gathered in front of the office of the Tashkent hokim (local governor) to protest the incarceration of their relatives. The police ordered them to disperse after refusing their request to meet with the hokim. Some members of the group report that they have been under intermittent surveillance since that time. A peaceful demonstration of approximately 1,000 residents of Jizzak, that was held in May to protest an economic policy measure taken by local authorities, occurred without government interference.

The Constitution provides for the right of freedom of association, but the Government limits the exercise of this right by refusing to register opposition political parties and movements. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. A 1996 anal-

ysis by foreign legal observers concluded that, while the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fund raising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There are no registered opposition parties (see Section 3).

In the early 1990's, the Government repeatedly denied the attempts by the Birlik Movement and Erk Party to register. Harassment by security forces drove the leaders of these organizations into voluntary exile. These organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

Many of the activists not already imprisoned or exiled were victims of the latest wave of repression (see Section 3).

The Constitution and a 1991 amendment to the law on political parties ban parties of a religious nature. Authorities cited these measures in denying registration to the Islamic Renaissance Party (IRP) in 1992. In the early 1990's, opposition activists announced the formation of the Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals.

The Law on Public Associations as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already are registered. In the past, officials have used the latter provision to block human rights NGO's and independent political parties from registering by creating another NGO or party with the identical name; however, the authorities did not take such action during the year.

The Government has refused to register two of the major independent human rights organizations. The Human Rights Society of Uzbekistan (HRSU), a group with close ties to exiled opposition figures, has sought registration unsuccessfully since 1992. The Independent Human Rights Organization of Uzbekistan (IHROU), headed by longtime human rights activist Mikhail Ardzinov, held its founding convention and filed registration papers in 1997, but the Government has not yet formally approved or denied the application. In both cases, the Government claims that the registration applications were not made properly and need to be resubmitted. Neither the HRSU nor the IHROU resubmitted applications during the year; there was no indication that they would be registered. The Government's repeated refusals to register these organizations appear politically motivated. The Government has approved the registration of only one human rights NGO, the Committee for Protection of Individual Rights, which was formed with government support in 1996.

The process for government registration of NGO's and other public associations is also difficult and time consuming, with many opportunities for obstruction. Although unregistered organizations often can disseminate literature, hold meetings, and use letterhead stationery without government interference, they do not exist legally and have no real access to the media or government.

A law on nongovernmental, noncommercial organizations passed in April provides a relatively benign legal framework for their registration and functioning. In particular the requirements for registration are simpler than they had been under previous legislation. However, the law contains several vaguely worded provisions that, in practice, may result in arbitrary enforcement of decisions harmful to NGO's. The real effect of the law depends on the implementing regulations, which had not yet been promulgated by year's end.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical churches (see Section 2.c.) found it difficult to obtain registration or reregistration.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion and for the principle of separation of religion and state; however, in practice, the Government only partially respects these rights. The Government perceives unofficial Islamic groups or mosques as extremist threats and outlaws them. During the year, the Government arrested hundreds of members of such groups and sentenced them to between 15 and 20 years in jail. The Government also restricts recently arrived religions that either the Government does not understand or that proselytize. However, the Government permits persons affiliated with mainstream religions, including approved Muslim groups, Jewish groups, the Russian Orthodox Church, and various other denominations, such as Catholics and Lutherans, to worship freely. Despite the principle of separation of church and state, the government-controlled Spiritual Directorate for Muslims (the Muftiate) funds some Islamic religious activities.

In May 1998, the Parliament passed two laws that restrict religious activity. The Law on Freedom of Conscience and Religious Organizations provides for freedom of

worship, freedom from religious persecution, separation of church and state, and the right to establish schools and train clergy. However, the law also restricts religious rights that are judged to be in conflict with national security, prohibits proselytizing, bans religious subjects in school curriculums, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials. The law also requires that all religious groups and congregations register and provides strict criteria for their registration. In particular it stipulates that each group present a list of at least 100 Uzbek citizen members compared with the previous minimum of 10 to the local Ministries of Justice. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims worshiping outside the system of state-organized mosques. As of year's end, the Government registered 1,831 religious congregations and organizations, 1,664 of which were Moslem. An additional 335 applications were denied, 323 of which were from Moslem groups.

The number of officially sanctioned mosques is significantly increased from the 80 or so permitted during the Soviet era, but has decreased from the 4,000 that reportedly opened after the country gained independence.

There were a variety of reasons that churches could not register. Some could not meet the requirement of having 100 Uzbek citizen members, while others could not afford the registration fees. The most frequent problem is determining a satisfactory legal address. In order to register, groups must report in their charter a valid juridical address, but local officials frequently contend that a building does not meet fire or building codes, has a disputed title, or other problems.

A presidential commission created in August 1998 may grant exemptions to the Religious Law's strict requirements and register groups that have not been registered by local officials. Through November 1, the commission granted exemptions to 51 such groups, including congregations with fewer than 100 Uzbek members. However, no formal procedures or criteria have been established to bring a case before this commission. In August the Government registered 20 minority religious groups that had been having difficulty being registered by local officials.

The second law passed in May 1998 consisted of a series of revisions to the criminal and civil codes, which stiffened the penalties for violating the religious law and other statutes on religious activities. It provided for punishments for activities such as organizing a banned religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents. The Criminal Code was amended again in May with two changes that affected religious freedom. The changes draw a distinction between "illegal" groups (which are those not registered properly) and "prohibited" groups (which are banned). The first measure makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a group (presumably after being denied registration or ordered to disband), or to participate in the activities of such a group (punishable by up to 3 years in prison. The second measure sets out stiff penalties up to 20 years in prison and confiscation of property for organizing or participating in the activities of religious extremist, fundamentalist, separatist, or other prohibited groups.

Although authorities tolerate many Christian evangelical groups, government officials often harass those that openly try to convert Muslims to Christianity. Although the distribution of religious literature by duly registered central offices of religious organizations is legal, missionary activity and proselytizing is not, and the requirements for establishing such central offices are burdensome (only five have been registered to date). The Government is often intolerant of those groups that officials believe are cults; engage in missionary activity; or otherwise do not conform to the requirements of the religion law.

Although authorities tolerate many Christian evangelical groups, the Government often harasses those that openly try to convert Muslims to Christianity. Some evangelical churches found it difficult to obtain registration and reregistration. Among those religious groups whose applications for legal registration have not been approved are a number of Jehovah's Witnesses congregations throughout the country, the International Protestant Church of Tashkent, a Baptist congregation in Urgench, the Full Gospel Pentecostal Church in Nukus, and Seventh-Day Adventist congregations in Akhangaran and Almalyk. Government officials stated that many of the unregistered groups could not meet the requirement of 100 Uzbek members. They added that Jehovah's Witnesses were denied because they proselytize and do not recognize secular authority, and that another unregistered group, the Reformed Baptists, simply refused to register.

On the other hand, the Committee on Religious Affairs has approved the registration of 167 minority religious groups including 32 Russian Orthodox, 23 Baptist, 26

Pentecostal ("Full Gospel"), 10 Seventh-Day Adventist, 47 Korean Christian, 8 Jewish, 5 Bahai, 2 Jehovah's Witness and 2 Krishna Consciousness. Several of these congregations had fewer than the required 100 members but received exemptions from the requirement. The Roman Catholic Monsignor reports that his church has received permission to operate, but that formal registration was pending the resolution of some difficulties regarding documentation. Denis Podorozhny's Word of Faith Pentecostal Church near Tashkent, which lost its registration in 1998, was reregistered.

On numerous occasions, the Government restricted the right to religious freedom through use of the religion law and other statutes. Police have often broken up meetings of unregistered groups. Pastors or group leaders can be subject to fines or even imprisoned.

For example as many as 10 Jehovah's Witnesses congregations have been fined for illegal gatherings, dissemination of printed matter, or missionary activity. A judge of the city court of Karshi said on state television on March 28 and 30, that Jehovah's Witnesses was a dangerous sect bent on usurping government power. One member of Jehovah's Witnesses, Sergei Brazgin of Uchkuduk, was arrested on February 22, shortly after police broke up a Bible reading in his home. Police declared a Bible discussion in which he participated on February 14, to be an illegal activity. He was subsequently sentenced to 2 years in prison on three counts of illegal religious activity but released on August 20. Press reports indicate that a Christian was arrested in June after reportedly giving out several Christian tracts in the Karakalpak language at an airport. Reportedly, he was fined but not imprisoned.

In March authorities in Nukus arrested Pastor Rashid Turibayev of the unregistered Karakalpak Full Gospel Christian Church and his associates, Farkhad Yangibayev and Yasif Tarashev. Police allegedly planted narcotics on them to justify the arrests. The court convicted all three on June 9. Turibayev was convicted of the narcotics charge as well as three counts of violating the religious law and sentenced to 15 years in prison. His associates were sentenced to 10 years each for narcotics but were not charged with religious offenses. Turibayev previously had been sentenced to 2 years of hard labor in May 1997 for leading illegal church services, but subsequently he was amnestied and released. Na'il Asanov of the Bukhara Church of Christ was arrested in May after police allegedly planted narcotics on him. He was sentenced on June 30 to 5 years in prison. Pastor Ibrahim Yusupov of an unregistered Tashkent Christian church was sentenced on June 24 to 1 year in prison for proselytizing.

Central government officials, as well as many Christian leaders, view these and other incidents of harassment as isolated cases of local officials misapplying the law.

On August 20, the President pardoned and ordered the release of Brazgin, Asanov, Yusupov, and Turibayev and his two colleagues.

There were reports that since their release, certain church members continued to be harassed. Pastor Turibayev of the Karakalpak Full Gospel Christian Church is heading his church again. However, the Church is not yet registered and the prosecutor has threatened to confiscate it. Local militia summoned Turibayev twice at the end of September to question him further regarding his alleged possession of drugs. The militia also failed to return Turibayev's passport, claiming that it was lost. The lawyer for released Jehovah's Witnesses prisoner Sergei Brazgin reportedly said that after his release from prison, Brazgin remained under permanent pressure from the local police.

On October 10, the police raided the annual harvest celebration at a Baptist Church in the city of Karshi (the church is one of several Baptist congregations that due to religious conviction had not attempted to register). The police detained and beat many of the participants. Authorities sentenced two of the group's organizers to 10 days incarceration and were forced to pay fines. The Government investigated the incident and some officials acknowledge that the Karshi police acted improperly; however, no disciplinary action had been taken against the officers involved by year's end.

The most serious abuses of the right to religious freedom were committed against Muslim believers. While tolerant of moderate Muslims, the Government seeks to control the Islamic hierarchy and is intolerant of Islamic groups that attempt to operate outside the state-controlled system. The Government seeks to control the content of imams' sermons, and the volume and substance of published Islamic materials. At the beginning of 1998, the Government ordered the removal of loudspeakers from mosques in order to prevent the public broadcasting of morning and evening calls to prayer. The Government closed several hundred nonauthorized mosques during 1998. Although the Government has not closed additional mosques, loudspeakers remain banned.

The Government is determined to prevent the spread of ultra-conservative or extremist varieties of Sunni Islam, which it labels "Wahhabbism" and considers destabilizing. President Karimov frequently has declared the Government's intention to rid the country of Wahhabists and underground Islamic groups such as Hezbut Tahrir, which it views as extremist. The Government considers such groups as political and security threats and represses them severely. Hezbut Tahrir members admit that they desire an Islamic government but deny that they advocate violence. Dissident Islamic figures deny that they are extremists and claim that they are being persecuted for their unwillingness to support the Government. Speaking on state television on April 4, Interior Minister Zakirdjon Almatov said that young Uzbek men who have embraced radical Islam in certain countries abroad can avoid punishment if they voluntarily turn themselves in to authorities. Almatov added that any who fail to do so would be punished severely, and that their fathers also would be held legally responsible.

The security forces have detained and harassed Muslim leaders for perceived acts of insubordination and independence. Islamic activist Abdurauf Gafurov, whose sentence was extended by 3 years in 1998, was finally released in October. In 1996 the government-appointed mufti fired a number of independent clerics and closed their mosques. The Andijon Friday mosque, where Imam Abduvali Mirzaev (see Section 1.b.) formerly preached, has been closed since mid 1995.

A leading independent Muslim cleric, Imam Abidkhon Nazarov, has been missing since March 5, 1998, when dozens of police and security agents raided and searched his home. Although his family claims that the security services abducted him, the Government and many observers believe that he fled to avoid arrest.

Since Imam Abidkhon Nazarov disappearance, the Government has persecuted his family harshly (see Section 1.d.). In February just after the terrorist bombing in Tashkent, authorities detained Nazarov's wife, Minnura Nasretdinova, for 10 days on charges of hooliganism. An associate of Nazarov's, Mukhtabar Akhmedova, was arrested and sentenced on March 4 to 10 days' imprisonment for assaulting an undercover police officer who had broken into her courtyard and confiscated her computer and other office equipment. In March Nazarov's brother, Umarkhon Nazarov, his uncle, Ahmadali Salomov, and his brother-in-law, Abdurashid Nasretdinov, were arrested and charged with planning a coup d'etat. On May 20, his brother Umarkhon was sentenced in Namangan to 11 years in prison, and his uncle Akhmadali Salamov and brother-in-law Abdurashid Nasriddinov each were sentenced to 4 years in prison. Police reportedly planted Islamist literature on the Nazarov relatives in order to justify their arrest and beat them during interrogation. At present, all male members of Nazarov's close family are in prison. Human rights observers believe that their only real offense was being related to Nazarov.

On January 8, a Tashkent court sentenced Oqihon Ziehanov and four other alleged "Wahhabist" associates of missing Imam Abidkhon Nazarov to between 2 to 12 years on a variety of charges including possession of narcotics and ammunition. Two of the defendants were convicted of conspiring to overthrow the constitutional order. The defendants claimed credibly that the police had planted the narcotics and ammunition and that the cases against them had been fabricated. In mid-year four of the five defendants reportedly were transferred to the new prison facility near Jaslik, Karakalpakstan (see Section 1.c.).

The arrest of Nazarov's relatives, the January conviction of Oquilhon Ziehanov and four other associates of Nazarov, and the December 1998 conviction of 15 alleged followers of Mirzaev were characteristic of the Government's campaign, waged through much of the 1990's, to rid the country of so-called Wahabbists." Several human rights observers reported that prison officials confiscated all Korans and religious literature and banned prayer in the prisons.

Several persons arrested for religious reasons apparently died from mistreatment in custody. On June 14, police arrested Farkhod Usmanov for possession of a Hezbut Tahrir leaflet. Usmanov apparently was beaten or tortured to death in custody. Usmanov was the son of former Iman Nosir-Kori Usmanov. According to Human Rights Watch, after holding him incommunicado for 11 days, officials returned his body, which showed bruises and injuries, to his family on June 25, claiming that he had died of heart failure.

Akhmadhon Turahonov died in custody on June 19, reportedly because prison authorities refused to treat his diabetes. Thrahonov was a member of the Birlik Democratic Movement and a human rights activist, and was not religious. Officials nonetheless accused him of being a Wahhabist and charged him with hooliganism and conspiring to overthrow the Constitution. In addition to these three cases, there were unconfirmed reports of at least five other deaths by torture or beating.

An outspoken Muslim cleric, Qobil Muradov, apparently was beaten to death in prison on October 30, 1998. His body showed severe bruising, his teeth were

knocked out, and his collarbone and several ribs were broken. Officials alternately claimed that he had fallen accidentally from a wall and that other prisoners had beaten him. Like many persons whom the Government considers to be enemies he was arrested for possession of narcotics, which probably were planted on him by police. He had not been tried at the time of his death.

According to press reports in June, Ministry of Interior police arrested several dozen persons in Tashkent for distributing Hezbut Tahrir leaflets allegedly "propagating an extremist Muslim teaching" that was banned.

There were no reported developments in the 1995 disappearance of Imam Abduvali Kori Mirzaev; the 1997 disappearance of his assistant, Nematjon Parpiev; or the 1992 disappearance of Aboullah Utaev, leader of the outlawed Islamic Renaissance Party.

The February Tashkent bombings prompted the Government to reinvigorate its campaign against Islamic fundamentalism. Although no group claimed responsibility for the bombings, the President blamed Islamic extremist groups. He said that up to 3,000 youths had been corrupted by studying Islam at foreign madrassas (Muslim religious schools), where they may have received terrorist training. He pledged to bring charges against these persons—and against their fathers—if they did not confess and repent to the Ministry of Internal Affairs. By the end of April, the Government claimed, over 1,000 had taken advantage of this offer.

As after the Namangan murders, from February to April, police detained, without due process, scores of those whose religious piety made them suspect in the eyes of the security services. The majority of those detained were released after questioning and detention that lasted as long as 2 months. On June 28, the Supreme Court sentenced six men to death for their role in the bombings. Prison sentences were handed out to 16 others.

Beginning in April the Government launched a series of unannounced trials throughout the country of members of Hezbut Tahrir. Police allegedly planted narcotics and weapons on many of them in order to justify arrest (also see Section 1.c.). By year's end, the Government had arrested at least 1,500 and the number convicted was believed to exceed 1,000. The total number in pretrial detention is unknown but could be several hundred. Human rights activists contend that the number is over 1,000 (see Sections 1.c. and 1.d.). Most defendants have acknowledged membership in the group but claim that they believe in peaceful change. Others appear not to be members of the group but to have been caught in the net because of their religious piety. While the Government has not charged that Hezbut Tahrir was involved in the bombings, group members usually are accused of acting to overthrow the constitutional order and of belonging to a prohibited religious organization. Police also allegedly planted drugs on various members of Christian denominations in order to arrest them.

The Government does not consider this repression to be directed against religious freedom itself but instead against those who desire to overthrow the secular order. However, authorities are highly suspicious of those who are more pious than is the norm: frequent mosque attendees; bearded men; and veiled women. In practice this approach results in mistreatment of many devout Muslims for their religious beliefs.

In 1999 Human Rights Watch compiled a list of 28 confirmed cases from 1997 and 1998 in which university and secondary school students have been expelled for wearing religious dress (see Section 1.f.). Several of these students from Tashkent's Oriental Studies Institute brought suit in civil court to be reinstated but were unsuccessful. A further group of 15 female students at Ferghana State University were harassed and ultimately forced to leave school in March.

Synagogues function openly; Hebrew education (long banned under the Soviets), Jewish cultural events, and the publication of a community newspaper take place undisturbed.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for free movement within the country and across its borders, and the Government generally respected these rights. Citizens must have permission from local authorities in order to resettle in a new city. The Government rarely grants this permission to those who wish to move to Tashkent. The Government requires citizens to obtain exit visas for foreign travel, or emigration, but grants these permits routinely. All citizens have a right to a passport, and the Government does not restrict this right. The new passports serve as both internal identity cards and, when properly certified, as external passports. Every citizen must carry such a document when traveling inside or outside the country. Police occasionally confiscate these documents, severely restricting a person's right to travel.

Movement within the country of foreigners with valid visas generally is unrestricted. However, visitors require special permission to travel to certain areas, such as Termez, on the Afghan border.

Several Uzbek human rights activists were able to leave and reenter the country without encountering problems from the Government. However, in October the Government did not issue promptly an exit visa to human rights activist Tolib Yakubov, and prevented him from attending an OSCE Review Conference prior to the Istanbul Summit. Yakubov subsequently received a visa and left and reentered the country without difficulty. The Government also confiscated the passport of human rights activist Mikhail Ardzinov on June 25, restricting his freedom of movement within the country and preventing him from attending international conferences.

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas. However, since Uzbekistan does not provide for dual citizenship, those acquiring other citizenships lose Uzbek citizenship. If they return to the country as foreign citizens, they are subject to foreign visa regulations. In practice the burden is on returning individuals to prove to authorities that they have not acquired foreign citizenship while abroad. There were reports during the year that some ethnic Russians attempting to return after residing abroad were denied residence permits and new passports.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government does not adhere to the 1951 Convention Relating to the Protection of Refugees and its 1967 Protocol. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe demands when seeking to regularize their status. They may be deported if their residency documents are not in order. However, the Government agreed in August that it would not force those who have received U.N. High Commissioner for Refugees (UNHCR) mandate refugee status to leave the country. Prior to that decision, the Supreme Court denied Afghan mandate refugee Mohammed Tahir permission to remain in the country. The UNHCR had acted as an advocate for Tahir in order to test refugee policy.

The country hosts populations of ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. These groups enjoy the same rights as other citizens. Although they are free to return to their ancestral homelands, absorption problems in those countries have slowed that return. The UNHCR estimates that there are 30,000 Tajik and 8,000 Afghan asylum seekers. The UNHCR completed reregistration of refugee cases in March and reported that there are now 852 mandate refugees and 269 registered cases of asylum requests pending.

According to the UNHCR there were 11 cases of forced repatriation (6 to Kazakhstan and 5 to the Kyrgyz Republic).

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

While the Constitution provides for this right, in reality citizens cannot change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies strict limits on freedom of expression. No opposition groups participated in government or were allowed to function legally.

The Government is highly centralized and is ruled by a strong presidency. President Karimov, formerly the first secretary of the Communist Party in Uzbekistan under Soviet rule, was elected in a limited multicandidate election in 1991. A 1995 Soviet-style referendum and subsequent parliamentary decision extended Karimov's term until 2000. President Karimov and the executive branch retain control through sweeping decree powers, primary authority for drafting legislation, and control of virtually all government appointments, most aspects of the economy, and the security forces.

Most government officials are members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. However, the party as such does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There are four other parties; however, these were created with government assistance and are loyal to President Karimov. All five parties participated in the December elections to the Oliy Majlis (Parliament), during which 93 percent of the electorate cast their vote. However, parties that competed in the parliamentary elections, as well as the numerous independent candidates, were congenial to the Government and did not represent a real choice for voters.

Because the voters lacked a choice, the OSCE and many international observers concluded that the December legislative elections fell short of adherence to accepted standards of free and fair elections. Local and regional hokims (governors)—who are appointed by the president—exerted a strong influence on the selection of can-

didates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 winning candidates had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if they were approved by the hokims.

The Oliy Majlis is constitutionally the highest government body. In practice despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch rather than to initiate legislation.

New laws governing the conduct of parliamentary and presidential elections, as well as a law creating a Central Election Commission, came into effect in 1998. These laws, combined with the 1997 law on political parties, make it extremely difficult for opposition parties to come into being, to nominate candidates, and to campaign. The procedures to register a candidate are burdensome and the Central Election Commission has authority to deny registration. For example a presidential candidate is prohibited from campaigning before being registered, but must present a list of 150,000 signatures in order to be registered. The Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." The consensus among independent observers, including national and local party leaders, as well as the business, religious, press, and NGO communities, indicates that the race for president was stacked in favor of incumbent President Karimov. The 1998 statutes deleted a previous provision allowing recourse to the Supreme Court to candidates whose parties are denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order.

Citizens initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups are forbidden from participating in campaigns and candidates may meet with voters only in forums organized by precinct election commissions. The 1998 laws repeal the right of parties to fund their candidates' campaigns directly. Instead, parties must turn over all campaign money to the Central Election Commission, which then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters. In August the Parliament enacted minor modifications to the election laws, but these have little practical effect.

According to the Law on Political Parties, judges, public prosecutors, National Security Service officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. However, the law is less clear regarding membership in unregistered organizations. By law the Government prohibits formation of parties based on religion or nationality; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those which promote war or social, national, or religious hostility; religious political organizations; and political organizations that seek to overthrow the Government, or sow national or racial hatred. Moreover, the Government has refused to register democratic political opposition organizations. Membership in unregistered political organizations is not forbidden officially, but membership in unregistered organizations with a prohibited goal or premise is forbidden.

The Government continues to persecute members of unregistered, political opposition groups using methods such as, arbitrary arrest, conviction on falsified charges, surveillance, and loss of employment. The leaders of the two largest unregistered opposition groups in the country—Mohammed Solikh of the Erk Democratic Party and Abdurakhim Polat of the Birlik Democratic Movement—were forced into exile in the early 1990's. After the February bombings, persecution of members of these groups intensified. The Government repeatedly has accused Erk leader Solikh, who ran against Karimov for the presidency in 1992, of being a leader of the terrorist plot behind the bombings. On August 18, a Tashkent court convicted four Erk members and one Birlik member of conspiracy to overthrow the constitutional order, of membership in illegal organizations, and of insulting the President. The Erk members included noted writer Mamadali Makhmudov, Yusup Razimuradov, and two brothers of Mohhamed Solikh (Rashid and Muhammed Bekhjanov). The Birlik member, Kobil Diarov, was arrested in Kiev along with his acquaintance Nigmat Sharifov, who was not affiliated with any political organization but sentenced to 8 years in prison. Muhammed Bekhjanov was sentenced to 15 years; Rashid Bekhjanov to 12 years; Mamadali Makhmudov to 14 years; Yusup Ruzimuradov to 15 years; and Kobil Diarov to 12 years. The Supreme Court upheld the Court's decision on appeal in November.

Dozens of Erk and Birlik activists reported that after the bombings they were subjected to various forms of harassment: frequent surveillance; restrictions on

movement; searches of their homes; lengthy police interrogations; and, occasionally, detentions. In July the son of Erk party secretary Atanazar Aripov was taken by police from in front of a Western embassy and detained for over 18 hours before being released.

Traditionally, women participate much less than men in government and politics and they are underrepresented in these fields. Before the December elections, 21 of 250 deputies in the Parliament were women, and there are 17 in the new Parliament. In the Government prior to the December election, there were 2 women (both with the rank of deputy prime minister) among 28 members of the Cabinet; 1 was charged specifically with women's issues.

There are 9 ethnic Russians (down from 14), 1 Korean, and 1 Armenian elected to the current Parliament.

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

The Government restricts and harasses local nongovernmental organizations (NGO's) working on human rights and refuses to register the country's two main human rights organizations.

Security forces continue to persecute human rights activists and the Government still refuses to register the country's two main human rights organizations. The chairman of the HRSU, Abdumannob Polat, lives in voluntary exile. Neither the IHROU nor the HRSU resubmitted applications to register during the year; there was no indication that they would be registered.

On May 12, police arrested Ravshan Hamidov, a houseguest of Mahbuba Kasimova, a member of the IHROU and of the Birlik Democratic Movement. During their search of Hamidov's belongings in Kasimova's house, police allegedly planted narcotics, a grenade, and literature linking him to the Islom Lashkarlari religious extremist organization. Hamidov has family ties to leaders of Birlik. Immediately after the arrest, Ministry of the Interior officials interrogated Kasimova for several days. On one occasion, the investigators organized a citizens' assembly headed by the deputy hokim (mayor) of Tashkent, Shukrat Jalilov, at which she was accused falsely of supporting religious extremists and advocating the creation of an Islamic state. In front of relatives of victims of the February bombings, she was accused of moral complicity in the deaths of those victims. Ignoring the constitutionally mandated presumption of innocence, newspaper, television, and radio coverage of the event echoed the accusations.

In a 3-hour trial on July 13, a Tashkent court convicted Kasimova of harboring a criminal, although her husband was the owner of the house and Hamidov had not yet been tried (and therefore technically could not be considered a criminal). The prosecutor argued that Kasimova should have known that Hamidov was wanted by police, although his arrest was not based on a previous arrest warrant but on the alleged discovery of contraband (see Section 1.e.). In July Kasimova was sentenced to 5 years in prison; on August 17, after a 45-minute appeal hearing, the judge confirmed the original sentence.

On June 25, police detained IHROU head Mikhail Ardzinov for questioning. Ardzinov has alleged that the police beat him twice during the episode. Although the Government denies beating Ardzinov, a reliable medical expert confirmed that he was beaten severely. Police also ransacked Ardzinov's apartment, confiscating his passport, papers, and office equipment. At year's end, Ardzinov reported that the Government had not returned his property.

On July 10, police took into custody IHROU member Ismail Adylov and held him incommunicado for 72 hours before confirming his whereabouts to his family. Police allegedly planted 100 Hezbut Tahrir leaflets among his effects to justify the arrest, although Adylov is known not to be religious. On September 29, a remote regional court sentenced Adylov, who has a kidney ailment, to 6 years in prison for allegedly possessing incriminating papers. Reporters and the defendant's family were not allowed to attend the 2-day trial; his appeal was denied on October 26.

In September 1998, authorities arrested Muidin Kurbanov, a member of HRSU's Jizzak chapter. Police beat him repeatedly and questioned him about his organization and about Imam Obidhon Nazarov. On the basis of fabricated charges, a judged sentenced him, without a lawyer or prosecutor present, to 3 years in prison. In January Kurbanov was released from prison under a presidential decree; however, authorities in Jizzak continued to harass him and threatened to charge him with membership in the Islamic organization Hezbut Tahrir.

One international human rights group, Human Rights Watch, has permission to operate in the country and has had an office in Tashkent since 1996. The group operates independently and has no affiliation with the Government.

After years of opposition and delay, the Government registered one human rights NGO in 1996. The registered NGO, the Committee for Protection of the Rights of Individuals, was formed with the support of the Government, but has ties to opposition figures as well. Some sources affiliated with other groups have questioned its independence from the Government; it has had no recent success in investigating or correcting abuses.

Since 1997 there has been a human rights ombudsman's office affiliated with the Parliament. The ombudsman may make recommendations to modify or uphold decisions of state agencies, but the recommendations are not binding. The ombudsman is prohibited from investigating disputes within the purview of courts. The ombudsman replaced the parliamentary human rights commissioner, who had insufficient trained staff to carry out in-depth investigations of human rights violations and did not vigorously pursue allegations against the police and security forces. The office of the ombudsman increased its staff and received authorization to open regional offices throughout the country. The ombudsman issues reports identifying the most serious types of violations of human rights by government officials. The office claims that it has assisted hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police and local officials. While most of the successfully resolved cases appear relatively minor, at least one during the year involved a capital crime. Ulugbek Usunov was convicted erroneously of murder in 1998—after 20 months of pretrial detention. Since the prosecutor and judge handled the case poorly, an intervention by the ombudsman succeeded in getting the court decision reversed and Usunov released. During the year, the ombudsman met twice with a consultative committee of Uzbek officials and foreign observers.

The National Human Rights Center of Uzbekistan, created by presidential decree in October 1996, has as its purpose to educate the population and government officials about the principles of human rights and democracy. The center's chief activity is to hold seminars and training, and it is not involved in human rights advocacy. The center has worked closely with international organizations such as the United Nations Development Program and the Organization for Security and Cooperation in Europe (OSCE).

The Government is willing to discuss human rights matters with organizations such as the OSCE, as well as with foreign embassies. The U.N. has not sent human rights commission members or special rapporteurs to the country. In 1996 the Government announced its willingness to hold an open dialog with international human rights NGO's, and held several high-level discussions with representatives of Human Rights Watch during the year.

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

Both the Constitution and the 1992 law on citizenship prohibit discrimination on the basis of sex, religion, language, or social status; however, societal discrimination against women persists.

Women.—Spousal abuse is common, but both local activists and the police say they have no statistics. At a September seminar on domestic violence, representatives of NGO's with crisis centers reported that the number of women seeking assistance is growing rapidly. Wife beating is considered a personal family affair rather than a criminal act, and thus such cases usually are handled by family members or elders within the community (mahalla) and rarely come to court.

Trafficking in women for the purpose of prostitution occurs, particularly to the Persian Gulf and Turkey (see Section 6.f.). Prostitution within the country is a growing problem stemming from the worsening economic situation.

Due to tradition, women, particularly in rural areas, usually marry before age 20, bear many children, and confine their activities to within the family. In rural areas, women often find themselves working in the cotton fields during the harvest season. However, women are not impeded formally from seeking a role in the workplace. The barriers to equality for women are cultural, not legal, and women who open businesses or seek careers are not hindered legally.

Although the law prohibits discrimination against women, traditional cultural and religious practices limit their role in everyday society. For these reasons, women are underrepresented severely in high-level positions. In 1995 President Karimov issued a decree on measures to increase the role of women in society, particularly extending their participation in state and social administration and coordinating the activities of ministries and social organizations as they relate to women's issues. In this connection, a deputy prime minister position was created in 1995 charged with furthering the role of women in society. The edict also created heads of women's affairs in the autonomous republic of Karakalpakstan, regions, cities, and districts. The

Ministry of Finance was ordered to allocate the necessary funds to finance these new positions and working bodies, but the groups complained their budgets were not sufficient. Government-controlled women's committees were formed in most regions in 1995, but most are underfunded and play only a minor role in improving the condition of women.

The President declared 1999 to be the year of the woman. In April the Government promulgated a law extending additional rights to women; it reduced the workweek to 35 hours for female employees of the State and reduced the optional retirement age for women to 54 years (after 20 years of employment). Government-sponsored activities also included a series of seminars, newspaper articles, public service announcements, and television programs that increased awareness of women's issues.

Several dozen NGO's address the needs of women. The Businesswomen's Association in Tashkent, in addition to providing resources and information about developing small enterprises, operates a store that sells clothing and crafts. A center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hot line and provides educational services on alcoholism, sexually transmitted diseases, and family counseling.

Depressed because of their low social status, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem, since most cases go unreported. However, representatives of women's groups have observed an increase in self-immolation, which remains the most frequent form of suicide for women in desperate circumstances. After marriage many women or girls move into the husband's home, where they occupy the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercises complete control over the young bride, usually is the stimulus for suicide.

A 1997 research study indicates that the number of women enrolling in higher education is diminishing; for example, women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and the need for families to fund a higher percentage of educational costs leaves many families in the position of being able to fund the education of only one child, either a son or a daughter. The report states that university faculty "steer" women into occupations traditionally performed by females and suggests that administrators may practice a policy of deliberately barring entrance to women in some fields.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach majority at age 18. Traditional Uzbek values reinforce the cohesion of families; in most cases, several generations of a family live together. In theory the State provides free universal primary education and health care. In practice shortages and budget difficulties mean that some services must be paid privately. The State grants monetary allowances to families based on their number of children. The country has a very high birthrate; over one-half of the population is under the age of 15.

Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. The U.N. Development Program reports that 100 percent of children complete secondary school.

There is no societal pattern of abuse of children. Trafficking in girls for the purpose of prostitution occurs (see Section 6.f.).

People with Disabilities.—One of the country's first laws, adopted only 2 months after independence in 1991, provided support for the disabled. This law was aimed at ensuring that the disabled have the same rights as other citizens. However, little effort is made to bring the disabled into the mainstream. The State cares for the mentally disabled in special homes. The Government has not mandated access to public places for the disabled.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population of approximately 23 million is about 71 percent Uzbeks, 8 percent Russians, 5 percent Tajiks, 4 percent Tatars, and 3 percent Kazakhs, with many other ethnic groups represented. The statistics may underestimate the actual number of ethnic Tajiks. The figures also do not include many ethnic Tajiks whose mother tongue was Uzbek. Moreover, some Tajiks choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians frequently complain that job opportunities are limited for them. Senior positions in the government bureaucracy and business generally are reserved for ethnic Uzbeks, although there are numerous exceptions to this rule.

The 1992 citizenship law does not impose language requirements for citizenship. Nonetheless, the language issue remains very sensitive. Uzbek has been declared

the state language, and the Constitution requires that the President speak Uzbek. However, the language law provides for Russian as "the language of interethnic communication." Russian is widely spoken in the main cities, and Tajik is widely spoken in Samarkand and Bukhara. The 1989 language law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified and now stipulates no specific date. The Government also is in the process of replacing the Cyrillic alphabet with the Latin alphabet. However, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both the Uzbek and the Latin alphabet to 2005.

Section 6. Worker Rights

a. *The Right of Association.*—The 1992 law on unions specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves may voluntarily associate territorially or sectorally. Membership in trade unions is optional. The law also declares all unions independent of the State's administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work.

However, in practice the overall structure of trade unions has not changed significantly since the Soviet era. Independence has eliminated subordination to Moscow but has not altered the centralized trade union hierarchy, which remains dependent on the Government. No "alternative" central union structures exist.

A few new professional associations and interest groups have been organized, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. Registered professional associations for judges and lawyers formed in 1997; both organizations were quasi-governmental. An association of broadcasters formed in 1998 has failed to gain government registration (see Section 2.b.). The main activity of all registered associations is professional development. They do not license members and have no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs. They have lost their previous role in state planning and in the management of enterprises. The emphasis now is on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The trade union law does not mention strikes or cite a right to strike. However, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements.

There were few reports of strikes. This circumstance likely reflects the absence of truly representative trade unions, as the standard of living fell and growing unemployment raised social tensions. The absence of labor activism also reflects the Communist legacy of docility in the face of authority. However, both union and government officials assert that the lack of strikes reflects general support for the Government's policies and common interest in social stability.

The 1992 law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. *The Right to Organize and Bargain Collectively.*—Trade unions may conclude agreements with enterprises. Privatization is still in its very early phase. As a result, there is no experience with negotiations that could be described as adversarial between unions and private employers. The State is still the major employer, and the state-appointed union leaders do not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance in consultation with the CFTU, set the wages for various categories of state employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The law forbids discrimination against union members and their officers.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution specifically prohibits forced labor, except as legal punishment or as may be specified by law. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur. However, large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest continues. Student labor is paid poorly, and students sometimes must pay for their food. Adults, includ-

ing teachers and passersby in automobiles and busses, similarly are forced into the harvest effort.

d. *Status of Child Labor Practices and Minimum Age for Employment.*— The minimum working age is 16 years; 15-year-olds can receive state permission to work, but have a shorter workday. In rural areas, younger children and the elderly often help to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions, and enforces them effectively.

The law does not specifically prohibit forced and bonded labor by children, and such practices are not known to occur, except for compulsory mobilization for the cotton harvest (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of September 1, it was about $10 (1,750 som) per month. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently have reduced work hours in order to avoid layoffs. Overtime pay exists in theory but is not always paid.

Pay arrearages of 3 to 6 months are not uncommon for workers in state-owned industries. The problem appears to be growing.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspectorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lack protective clothing and equipment. Workers can leave jobs that are hazardous without apparent jeopardy to continued employment; however, in practice, high rates of underemployment make this step difficult

f. *Trafficking in Persons.*—There no laws relating specifically to trafficking in persons. Trafficking in women and girls for the purpose of prostitution occurs, particularly to the Persian Gulf and Turkey. However, there are no reliable statistics on this problem, and it does not seem to be carried out on a large scale (see Section 5).

Anecdotal reports from NGO's indicate that the number of young women forced into prostitution abroad is growing. The Government has not acknowledged the problem publicly, but has taken some measures to combat it. According to NGO representatives, the police force in Samarkand formed a special unit on trafficking in women in 1998, but the unit's effectiveness is hampered by a lack of resources. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates, and South Korea; they are authorized to deny such women permission to leave the country. There is no government program to educate or assist potential victims; however, the State University for World Economy and Diplomacy sponsored a series of lectures on domestic violence and trafficking in women during the year.

NEAR EAST AND NORTH AFRICA

ALGERIA

President Abdelaziz Bouteflika was elected in April to a 5-year term. Bouteflika spent most of the last 2 decades outside the country, but previously had served as Foreign Minister. The President is the constitutional head of state, appoints and dismisses the Prime Minister and cabinet ministers, and may dissolve the legislature. The military establishment strongly influences defense and foreign policy. Bouteflika was regarded throughout the election campaign as the candidate most favored by the dominant security establishment and the most likely winner. At the end of the campaign, the other six candidates withdrew, credibly charging massive fraud by the military, and Bouteflika was elected easily, although with a turnout as low as 30 percent. In June 1997, Algeria held its first parliamentary elections since January 1992 and elected the first multiparty Parliament in Algerian history. The cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) was poised to win, suspended the democratization process and a transition to a pluralistic republic, and escalated fighting, which still continues, between the security forces and armed insurgent groups seeking to overthrow the Government and impose an Islamic state. The presidential election campaigns during the year were marked by increased openness; however, international observers and political parties pointed out numerous problems with the conduct of the elections. A September 16 national referendum, which asked citizens whether they agreed with Bouteflika's peace plan (which includes an amnesty program for the extremists fighting to overthrow the Government), was free of charges of fraud, and Bouteflika's peace plan won a reported 98 percent majority, with a reported 85 percent turnout. Bouteflika is not affiliated formally with any political party but he has the parliamentary support of a four-party coalition for his peace plan. The Government does not always respect the independence of the judiciary.

The Government's security apparatus is composed of the army, air force, navy, the national gendarmerie, the national police, communal guards (local police), and local self-defense forces. All of these elements are involved in counterinsurgency and counterterrorism operations and are under the control of the Government. The security forces committed numerous serious human rights abuses.

The economy is slowly developing from a state-administered to a market-oriented system. The Government has implemented stabilization policies and structural reforms. However, privatization of state enterprises has just begun and there has been little progress on reform of the banking and housing construction sectors. The state-owned petroleum sector's output represented about a quarter of national income and about 96 percent of export earnings during the year. Noncompetitive and unprofitable state enterprises constitute the bulk of the non-hydrocarbon industrial sector. The agricultural sector, which produces grains, fruit, cattle, fibers, vegetables and poultry, makes up 10 to 12 percent of the economy. Algeria is a middle-income country; annual per capita income is approximately $1,600. Officially, about 30 percent of the working-age population is unemployed, and about 70 percent of persons under the age of 30 cannot find adequate employment. Some earn a living from petty smuggling or street peddling

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remain. Citizens do not have the effective right to change their government peacefully. The security forces committed extrajudicial killings, routinely tortured or otherwise abused detainees, and arbitrarily arrested and detained, or held incommunicado, many individuals suspected of involvement with armed Islamist groups; however, there were no reports of new disappearances during the year in which the security forces were suspected. Security forces usually reach the sites of massacres too late to prevent or halt civilian casualties. Their failure to intervene in a timely manner led to claims that the secu-

rity forces are indifferent to or complicit in the massacres. Prison conditions are poor. Prolonged pretrial detention and lengthy trial delays are problems, although the practice of detention beyond the legal limit appears to be less frequent. Although the Constitution provides for an independent judiciary, executive branch decrees restrict some of the judiciary's authority. The authorities do not always respect defendants' rights to due process. Illegal searches and infringements on citizens' privacy rights also remained problems. There was no overt censorship of information; however, while the print media is relatively free, news media practiced self-censorship. Newspapers reported frequently on terrorist violence and on surrenders under the amnesty program, about which there was a wide range of views expressed in the media. The independent press commented openly and regularly on the presidential elections and other significant issues. In some cases, newspapers represented specific political and economic interests. Electronic media continued to express only government policy. The Government also continued to restrict freedom of speech, press, assembly, association, and movement, although to a lesser degree than in previous years. During the April presidential election, the candidates who ultimately withdrew from the election credibly reported irregularities, such as government ballot-box stuffing through manipulation of military votes. During the 1997 legislative, municipal, and provincial elections, there were credible reports of irregularities, such as government harassment of opposition-party observers and fraud in vote-tally procedures. The Family Code limited women's civil rights, and societal discrimination and domestic violence against women remained serious problems. Child abuse is a problem. Amazigh ethnic, cultural, and linguistic rights continue to be an issue, although these concerns are represented by at least two political parties represented in Parliament. Child labor is a problem.

Although the number of security incidents involving armed groups and terrorists decreased significantly and became more localized in the first several months of the year, compared with the same period in 1998, these opposition forces committed numerous serious abuses and killed thousands of civilians. Furthermore, such abuses and killings increased in the second half of the year. Armed terrorists continued their widespread campaign of insurgency, targeting government officials and families of security-force members, as well as those whose lifestyles they considered to be in conflict with Islamic values. Increasingly the killing appeared to be related to opposition to the amnesty program. Several hundred terrorists have availed themselves of the amnesty program so far, and the armed groups have become smaller, but a hard-core opposition force remains.

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. Some killings also were attributed to revenge, banditry, and land grabs. There were estimates that as many as 3,000 civilians, terrorists, and security force members died during the year in domestic turmoil. After his election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the past 8 years placed the total at about 100,000. Armed terrorists particularly targeted women; there were numerous instances of kidnaping and rape.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—The Government maintains that the security forces resort to lethal force only in the context of armed clashes with terrorists. 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. Human Rights Watch and other groups claim that security forces failed to intervene in some situations to prevent or halt massacres of civilians.

In December one person died of a heart attack the day after being beaten by police who had responded to a terrorist attack in the town of Dellys. The case received considerable print media attention, and the government-funded National Observatory for Human Rights (ONDH) investigated the incident. As a result, several police officers were arrested (see Section 1.c.).

Progovernment militias also killed civilians during the year. There was at least one successful prosecution—of militia members who were involved in a revenge killing in Tizi Ouzou in the first half of the year. There were no other reported prosecutions of such cases.

On November 22, prominent FIS leader Abdelkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. On December 13, authorities arrested Fouad Boulemia, who had the murder weapon in his possession. At year's end, it was unclear who was responsible for the killing.

Armed groups targeted both security-force members and civilians. In many cases terrorists randomly targeted civilians in an apparent attempt to create social disorder. Increasingly the killing of civilians appeared to be a result of opposition to President Bouteflika's amnesty program, and to facilitate the theft of goods needed by the armed groups. Terrorist tactics included the use of small bombs, and creating false roadblocks outside the cities by using stolen police uniforms, weapons, and equipment. Killings of civilians tended to be in smaller numbers per incident than in past years, although there were a few large-scale massacres. For example in early January, terrorists slashed the throats of 22 persons in the town of Oued Al-Aatchaane, 240 miles southwest of Algiers. Terrorists cut the throats of 34 villagers in three separate attacks on the night of January 31. Rebels cut the throats of 19 persons in El-Merdja, 9 in Saharidji, and 6 in Telassa, all in the western province of Chlef. Most of the victims were women and children. Armed men killed 12 persons in an overnight massacre southwest of Algiers in early February. In March members of the Armed Islamic Group (GIA) reportedly killed nine members of two families in Ain Defla, southwest of Algiers. In early April, rebels killed 22 government soldiers in an ambush near Blida. In mid-April, rebels killed 10 civilians in Mascara province, 187 miles west of Algiers. On June 4, terrorists reportedly killed at least 19 members of the same family in Bou Hamitage. In mid-June, an armed group killed 14 persons in a village south of Algiers. On August 15, terrorists stopped a bus in Beni Ounif and killed 29 passengers after stealing their belongings. On October 7, armed rebels slashed the throats of 8 persons from the same family and kidnaped a teenage girl in the town of Douira, 25 miles west of Algiers. On November 16, terrorists killed 19 persons in the province of Chlef. In mid-December, armed rebels killed 11 soldiers and wounded 10 others in an attack on a military convoy. There was an increase in such attacks in December; that month coincided with the Islamic holy month of Ramadan, during which terrorists historically have increased their attacks. On December 25, militants opened fire on vehicles at a roadblock 50 miles west of Algiers, killing 28 persons. Terrorists also killed and injured numerous persons with bombs (see Section 1.g.).

b. *Disappearance.*—There were credible reports of disappearances occurring over a period of several years, many of which involved the security forces; however, there were no such reports during the year. In September 1998, the Ministry of Interior established an office in each district to accept cases from resident families of those reported missing. However, credible sources state that those committees have not provided any useful information to the families of the disappeared. The Government's official human rights organization stated that by September, the Ministry of Interior had agreed to investigate 4,300 cases, of which 300 had been closed, by providing families information about persons who had disappeared. However, there were no prosecutions of security-force personnel that stemmed from these cases. Families of the missing persons, defense attorneys, and local human rights groups insist that the Government could do more to solve the outstanding cases. The Government asserts that the majority of reported cases of disappearances involve either terrorists disguised as security forces or former armed Islamist supporters who went underground to avoid terrorists' reprisals.

In March Amnesty International stated that more than 3,000 persons had disappeared since 1993 after being detained by security forces. AI stated that some died in custody from torture or were executed, but that many others reportedly were alive. Local nongovernmental organization (NGO) sources state that a few of the disappeared have been released from captivity by the security forces, but that there has been no public information about these cases, due to the fear of reprisal on the part of those released. Human rights activists assert that a number of the persons who disappeared still are alive in the hands of the security forces, but offer no evidence to support this assertion.

Terrorist groups kidnaped hundreds of civilians, including family members of security-force members. The mutilated corpses of such victims were found later in some cases. However, in many instances the victims disappeared and the families were unable to obtain information about their fate. Armed Islamist groups kidnaped young women and kept them as sex slaves (see Sections 1.a., 1.c., 5, 6.c., and 6.f.).

c. *Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.*—Both the Constitution and legislation ban torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police resort to torture when interrogating persons suspected of being involved with, or having sympathies for, armed insurgency groups. There were several credible reports of torture at the Algiers police facility, called Chateau Neuf.

Police beatings of detainees continue to be a common practice. However, there were no reports that police applied electric shocks to sensitive body parts and sexually molested female prisoners, as had been reported in previous years. Many vic-

tims of torture hesitate to make public such allegations due to fear of government retaliation. Accusations of torture are made routinely by those accused of involvement in terrorist activities. The Interior Ministry and the ONDH have stated publicly that the Government would punish those persons who violated the law and practiced torture, but they have not revealed whether any individuals accused of torture have ever been investigated or punished.

In December a terrorist bomb killed and injured police in the town of Dellys. Within hours security forces rounded up and detained more than 100 persons of both sexes and a variety of ages. Police officers beat many of the detainees and threw them into the crater made by the terrorist bomb. One of the mistreated persons died of a heart attack the next day. A senior regional police commander ordered the police to stop these actions. In response to complaints from the mistreated persons, the authorities suspended several police officers from duty and opened criminal proceedings against them.

There were no reports that security forces personnel were responsible for rapes during the year.

Police used force against protesters in April, wounding several persons (see Section 2.b.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, disemboweling, 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.) These terrorists also committed dozens of rapes of female victims, many of whom were murdered thereafter. There were also frequent reports of other young women being abducted, raped for weeks at a time, and effectively held as sex slaves for the use of leaders and members of the group (see Sections 1.a., 1.b., 5, 6.c., and 6.f.).

Prison conditions are poor, and prisons are very overcrowded. According to human rights activists, cells often contain several times the number of prisoners for which they originally were designed. Medical treatment for prisoners is available, but is severely limited. Prisoners also report a lack of food and reading material.

In general the Government does not permit independent monitoring of prisons or detention centers. However, in October the Government allowed the International Committee for the Red Cross (ICRC) to visit prisons and open an office in Algiers. The ICRC did not visit military prisons or FIS 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 to arrest arbitrarily and detain citizens. Human rights activists state that this practice diminished during the year. The Constitution stipulates that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. According to the 1992 Antiterrorist Law, the police may hold suspects in prearraignment detention for up to 12 days; they also must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit during the year.

The chairman of the Government's human rights body reported to the press in 1998 that it had proof that some detainees were held in a secret place of detention. In October the chairman claimed that he was misquoted, and several defense attorneys also stated that they doubted that such a place of detention exists.

FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest and is allowed to receive visits only from members of his family (see Section 2.d.), although he 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, is allowed contact with members of his family, who speak to the press on his behalf.

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 execute searches without a warrant routinely fail to identify themselves as police. Requests that they do so likely will result in abuse by the police. Unlike in 1998, there were no reports of the police arresting close relatives of suspected terrorists in order to force the suspects to surrender. Police and communal guards sometimes detain persons at checkpoints (see Section 2.d.).

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials. Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention.

Under the state of emergency, the Minister of Interior is authorized to detain suspects in special camps that are administered by the army. In 1995 the Government announced that it had closed the last camp and released the 641 prisoners there.

There were subsequent allegations that the camp still existed and that some of the prisoners were rearrested later; however, local human rights activists and NGO's now state that they have no evidence that these camps continue to exist. They note that the Government continues to keep some former prisoners under surveillance and requires them to report periodically to police.

Forced exile is not a legal form of punishment and is not known to be practiced. However, there are numerous cases of self-imposed exile involving former FIS members or individuals who maintain that they have been accused falsely of terrorism as punishment for openly criticizing government policies. One such case involves Ali Bensaad, a professor at the University of Constantine, who remains in exile in Germany after he was sentenced to death in absentia by the courts for allegedly being a party to a terrorist act.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the Government does not always respect the independence of the judicial system. In November President Bouteflika named a commission to review the functioning of the judiciary and to recommend ways to improve it.

The judiciary is composed of the civil courts, which try misdemeanors and felonies, and the military courts, which have tried civilians for security and terrorism offenses. There is also a Constitutional Council that 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. Regular criminal courts try those individuals accused of security-related offenses, but there have been very few trials. Some observers had maintained that, as a result of the 1995 abolition of the special security courts, long-term detentions without trial had increased because security forces were reluctant to release suspects to ordinary criminal courts. However, long-term detention appeared to decrease somewhat during the year.

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 do not always respect all legal provisions regarding defendants' rights, and continue to violate due process. Some lawyers do not accept cases of individuals accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS have suffered harassment, death threats, and arrest.

There are no credible estimates of the number of political prisoners; some estimate the number to be several thousand. An unknown number of persons who could be considered political prisoners were serving prison sentences because of their Islamist sympathies and membership in the FIS. There are credible estimates that the Government released 5,000 political prisoners after Bouteflika's election.

f. *Arbitrary Interference with Privacy, Family, Home or Correspondence.*—Authorities frequently infringed on citizens' privacy rights. The Constitution provides for the inviolability of the home, but the state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces entered residences without warrants. Security forces also deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government monitors the telephones of, and sometimes disconnects service to, political opponents and journalists (see Sections 2.a. and 3).

Armed terrorists occasionally entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food. 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.*—Armed groups were responsible for numerous, indiscriminate, nonselective 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 most often were targeted at security force personnel. For example in March terrorists exploded a bomb in Khemis Miliana, which killed four persons.

In May a bomb exploded in Algiers, killing one person and injuring five others. Also in May, a bomb exploded near a movie theater in downtown Algiers, injuring 17 persons. In August a bomb exploded in a town 160 miles south of Algiers, killing 6 persons and injuring 61. On November 6, five military officers were killed and six others were wounded in an attack at a cafe in Boumerdes province. There was an increase in such attacks in December; that month coincided with the Islamic holy month of Ramadan, during which terrorists historically have increased their attacks. In December a terrorist bomb killed and injured police in the town of Dellys (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech; however, the Government restricts 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 gave the Government broad authority to restrict these freedoms and to take legal action against what it considered to be threats to the State or public order. However, the Government did not strictly enforce these regulations, and the independent press reported regularly on security matters without penalty. Reporting by government-controlled press organs frequently included deflated numbers of civilians and government forces killed, inflated terrorist casualty counts, and inflated terrorist surrenders under the amnesty program. These discrepancies were noted frequently in independent newspapers. No restrictions on journalists were lifted during the year as a result of Parliament's review in 1998 of a 1997 government directive.

In March 1994, the Government issued an interministerial decree that independent newspapers could print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). Compliance with the government directive varied among independent newspapers, but the trend toward increased openness about security-force losses continued during the year, and the Government continued to provide the press with more information than in the past about the security situation. Journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, although there was significant coverage of NGO activity aimed at publicizing such abuses committed in the past. The Ministry of Health continued to forbid medical personnel from speaking to journalists. 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 remains in force. In general, journalists exercised self-censorship by not publishing criticism of specific senior military officials.

There were no reports during the year that the Government put journalists under "judicial control." In previous years, the Government used this practice to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. According to a Europe-based NGO that specializes in press freedom, the Government did not harass journalists under criminal defamation statutes during the year, as had been its practice in the past.

There were no newspapers allied with Islamist political parties in print, due to government pressure; however, legal Islamist political parties have access to the existing independent press, in which they express their opinions freely.

The Government maintains an effective monopoly over printing companies and newsprint imports. There was no abuse of this power to halt newspaper publications during the year, and at least one new newspaper started publication.

The Government continued to exercise pressure on the independent press through the state-owned advertising company, which was created in 1996. All state-owned companies that wish to place an advertisement in a newspaper must submit the item to the advertising company, which then decides in which newspapers to place it. In an economy in which state companies' output and government services still represent approximately two-thirds of national income, government-provided advertising constitutes a significant source of advertising revenue for the country's newspapers. Advertising companies tend 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 have large readerships or offer cheap advertising rates.

President Bouteflika stated in November that the media should ultimately be at the service of the State. Radio and television remained under government control, with coverage biased in favor of the Government's policies and its party, the National Democratic Rally (RND). Parliamentary debates are televised live. Satellite-dish antennas are widespread, and millions of citizens have access to European and Middle Eastern broadcasting.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some began to return in significant numbers during the year, at least for visits. There was a growing number of academic seminars and colloquiums, which occurred without governmental interference. The Government occasionally interfered in seminars that were political or economic in content (see Section 2.b.). University workers and students staged several strikes over low salaries, inadequate housing, and large classes (see Section 6.a.).

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of assembly; however, the 1992 Emergency Law and government practice sharply curtail it. Citizens and organizations must obtain a permit from the appointed local governor before holding public meetings. The Government canceled at least one public rally sponsored by a group affiliated with an opposition political party. The Government banned street protests on the eve of President Bouteflika's swearing-in ceremony and, on April 16, police used force in central Algiers and in two other cities against protesters demonstrating against Bouteflika's election. Police used batons and charged protesters. Police wounded at least 20 persons in Algiers, and suppressed similar demonstrations in Tizi Ouzou and Bajaia. The Government occasionally interfered with formal NGO meetings during the year. In July it prevented a meeting on human rights, and denied entry into the country of one of the meeting's participants. Various groups held meetings and seminars without licenses, in which government officials participated. Other unlicensed groups continued to be active, including groups dedicated to the cause of the disappeared, who also continued to hold regular demonstrations outside government buildings.

The Constitution provides for the right of association, but the 1992 Emergency Law and government practice severely restrict it. The Interior Ministry must approve all political parties before they may be established (see Section 3). The Interior Ministry licenses all nongovernmental associations and regards all associations as illegal unless they have licenses. It may deny a license to, or dissolve, any group regarded as a threat to the existing political order. 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. Membership in the FIS remains illegal, although at least one former FIS leader announced publicly that he intended to form a cultural youth group.

c. *Freedom of Religion.*—The Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, and the Government generally respects this right in practice. Islam is the only legal religion, and the law limits the practice of other faiths; however, the Government follows 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, there are Roman Catholic churches, including a cathedral in Algiers, which is the seat of the Archbishop, that conduct services without government interference. In 1994 the size of the Jewish community diminished significantly, and its synagogue has since been abandoned. There are only a few smaller churches and other places of worship; non-Muslims usually congregate in private homes for religious services.

Because 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. Private primary and secondary schools are not permitted to operate.

The Government appoints preachers to mosques and gives general guidance on sermons. The Government monitors activities in mosques for possible security-related offenses. The Ministry of Religious Affairs provides some financial support to mosques and has limited control over the training of imams.

Conversions from Islam to other religions are rare. Because of safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. The Shari'a (Islamic law)-based Family Code prohibits Muslim women from marrying non-Muslims, although this regulation is not always enforced. The code does not restrict Muslim men from marrying non-Muslim women.

Non-Islamic proselytizing is illegal, and the Government restricts the importation of non-Islamic literature for widespread distribution. Personal copies of the major works of other religions, such as the Bible, may be brought into the country. Occasionally, such works are sold in local bookstores in Algiers. However, many vendors refuse to sell these works due to fear of reprisal by Islamic extremists, and, to a lesser extent, because of government policy. The Government also prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

Under both Shari'a and Algerian law, children born to a Muslim father are Muslim, regardless of the mother's religion. Islam does not allow conversion to other faiths at any age.

In 1994 the Armed Islamic Group declared its intention to eliminate Jews, Christian, and polytheists from Algeria. The GIA has not yet retracted that declaration and, as a result, the mainly foreign Christian community tends to curtail its public activities.

The country's 8-year civil conflict has pitted self-proclaimed radical Muslims against moderate Muslims. Approximately 100,000 civilians, terrorists, and security

forces have been killed during the past 8 years. Extremist self-proclaimed Islamists have issued public threats against all "infidels" in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. During the year, terrorists continued attacks against the Government, moderate Muslims, and secular civilians. The majority of the country's terrorist groups do not, as a rule, differentiate between religious and political killings (see Sections 1.a. and 1.g.).

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 restricts these rights. In the spring, the Government allowed travel abroad by representatives of organizations pursuing information on relatives who allegedly "disappeared" due to the actions of the security forces. These organizations were hosted by human rights NGO's and held public discussions on those who disappeared. There were no reports of the Government placing journalists under "judicial control," as had been the case in the past (see Section 2.a.).

The Government does not allow foreign travel by senior officials from the banned FIS. FIS president Abassi Madani, who was released from prison in 1997, remains 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; this authorization may be granted to students and to those individuals with special family circumstances. The Family Code does not permit married females under 19 years of age to travel abroad without their husband's permission. The code also prohibits unmarried females below the age of 19 or males below the age of 18 to travel abroad without their father's permission.

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 restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas.

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

Armed groups intercept citizens at roadblocks, using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. According to press reports, armed groups sometimes killed groups of civilian passengers at these roadblocks.

The Constitution provides for the right of political asylum, and the Government occasionally grants asylum. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. It also provided first asylum. For example, it cooperates with the UNHCR on programs to help refugee Sahrawis, the former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970's. The Government also has worked with international organizations that help the Tuaregs, a nomadic people of southern Algeria and neighboring 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 do not have the effective ability to change their government peacefully. The strong prerogatives of the executive branch, supported by the entrenched power of the military and the bureaucracy, prevent citizens from exercising this right. The withdrawal of six presidential candidates amidst credible charges of fraud, and the election of President Bouteflika highlighted the continued dominance of the military elite in the process of selecting political leadership.

President Bouteflika was elected in an April 15 presidential election, but the election was seriously flawed by the withdrawal 1 day before of all the 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 had been 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 meeting—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 Algeria's war of independence against France, a legal requirement for candidates for President. With

the withdrawal of the other candidates and the absence of foreign observers, it was impossible to make an accurate determination of turnout for the election, but it was apparently as low as 30 percent; the Government claimed a 60 percent turnout.

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 was not in session. The Parliament has a popularly elected lower chamber, the National Popular Assembly (APN), 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 members. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

In June 1997, Algeria held its first elections to the APN since elections were canceled in January 1992, and elected the first multiparty Parliament in the country's history. Candidates representing 39 political parties participated, along with several independent candidates. Under a system of proportional representation, the government party, the National Democratic Rally, won 154 seats, followed by the Islamist party Movement for the Society of Peace (MSP), with 69 seats, the National Liberation Front (FLN), with 64 seats, the Islamist party An-Nahdah, with 34 seats, the Amazigh (Berber)-based Socialist Forces Front, with 20 seats, and the Amazigh-based Rally for Culture and Democracy, with 19 seats. Independent candidates won 11 seats, the Workers Party won 4 seats, and 3 other small parties won a combined total of 5 seats. In their final report, neutral observers stated that, of 1,258 (of the country's 35,000) voting stations that they assessed, 1,169 were satisfactory, 95 were problematic, and 11 were unsatisfactory. In November 1997, the provincial election commissions announced the results of their adjudication of the appeals filed by various political parties. The RND lost some seats but remained the overall victor in the Assembly elections.

In 1997 the appointed previous legislature, the National Transition Council (CNT), changed the law that regulates political parties. Under the controversial law, parties require 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. A party headed by one of the six presidential candidates who withdrew from the April elections registered in September. No party may seek to utilize religion, or Amazigh or Arab heritage, 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 engage in activities that range from holding rallies to printing newspapers. The Government continues to ban the FIS as a political party (see Section 2.b.). With the exception of the Government's party, the RND, the political parties sometimes encounter difficulties when dealing with local officials, who hinder their organizational efforts. The Government monitors private telephone communications, and sometimes disconnects telephone service to political opponents for extended periods (see Section 1.f.). Opposition parties have very limited access to state-controlled television and radio, although the independent press publicizes their views.

Women are underrepresented in government and politics. The new Cabinet, named December 24, has no female members; the previous government included two women. Eleven of the 380 members of the lower house of Parliament are women. About 25 percent of judges are women, a percentage that has been growing in recent years. In September President Bouteflika appointed the first-ever female provincial governor. A woman heads a workers' party, and all the major political parties except one had women's divisions headed by women.

The Amazighs, an ethnic minority centered in the Kabylie region, participate freely and actively in the political process. Two major opposition parties originated in the Amazigh-populated region of the country: The Socialist Forces Front and the Rally for Culture and Democracy. These two parties represent Amazigh political and cultural concerns in the Parliament and media. The two Amazigh-based parties were required to conform with the 1997 changes to the Electoral Law that stipulate that political parties must have 25 founders from across the country.

The Tuaregs, a people of Amazigh origin, do not play an important role in politics, due to their small numbers, estimated in the tens of thousands, and their nomadic existence.

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

The most active independent human rights group is the Algerian League for the Defense of Human Rights (LADDH), an independent organization that has members

throughout the country. The LADDH is not allowed access to the authorities or to prisons beyond the normal consultations allowed between a lawyer and a client. The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. The LADH has members throughout the country who follow individual cases. Human rights groups report occasional harassment by government authorities in the form of obvious surveillance and cutting off of telephone service.

There is an Amnesty International chapter in the country, but it does not work on cases in Algeria. In November President Bouteflika publicly invited Amnesty International and other human rights NGO's to visit the country.

The National Observatory for Human Rights was established by the Government in 1992 to report human rights violations to the authorities. It prepares an annual report with recommendations to the Government.

The Government has a national ombudsman, who reports annually to the President (see Section 5).

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

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition. A national ombudsman receives individual complaints and presents an annual report to the President. Provincial representatives are designated to accept individual grievances and to make them known to the authorities. Most such complaints concerned bureaucratic unresponsiveness and lack of jobs and housing. Women continue to face legal and social discrimination.

Women.—Women's rights advocates assert that spousal abuse is common, but there are no reliable studies regarding its extent. Spousal abuse is more frequent in rural than urban areas, especially 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 there are 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 are reluctant to endure this process. There are no adequate facilities offering safe haven for abused women. Women's rights groups have experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There are several rape crisis centers run by women's groups, but they have few resources. In August 1998, the Government released figures that indicated that the whereabouts of 319 women remain unknown and that there were 24 reports by women of rape. Most human rights groups believe that the actual number is much higher. There is a rape crisis center that specializes in caring for women who are victims of rape by terrorists.

Some aspects of the law, and many traditional social practices, discriminate against women. The 1984 Family Code, based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. For example, a woman must obtain a father's approval to marry. Divorce is difficult for a wife to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally goes to the mother, but she cannot enroll them in a particular school or take them out of the country without the father's authorization.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage. 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 (see Section 2.c.).

Women suffer 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. Females under 19 years of age cannot travel abroad without their husbands' or fathers' permission (see Section 2.d.). However, women may take out business loans and are the sole custodians of their dowries. Legally, if not always in practice, women have exclusive control over any income that they earn themselves, or assets that they bring into a marriage.

While social pressure against women pursuing higher education or a career exists throughout the country, it is much stronger in rural areas than in major urban areas. Women constitute only 8 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue opportunities in government, medi-

cine, law, education, the media, and the armed forces. Although the 1990 Labor Law bans sexual discrimination in the workplace, the leaders of women's organizations report that violations are commonplace. Labor Ministry inspectors do little to enforce the law.

There are numerous small women's rights groups. Their main goals are to foster women's economic welfare and to amend aspects of the Family Code, although no such amendments have been enacted. During the year, Islamic extremists often specifically targeted women. There were numerous instances of women being killed and mutilated in massacres. As many as 80 percent of the victims of massacres were women and children. Armed terrorist groups reportedly kidnaped young women and kept them as sex slaves for group leaders and members (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

Children.—The Government is committed in principle to protecting children's human rights. It provides free education for children 6 to 15 years of age, and free medical care for all citizens—albeit in often rudimentary facilities. The Ministry of Youth and Sports has programs for children, but these face serious funding problems. Legal experts maintain that the Penal and Family Codes do not offer children sufficient protection. Hospitals treat numerous child abuse cases every year, but many cases go unreported.

Child abuse is a problem. Laws against child abuse have not led to notable numbers of prosecutions against offenders. NGO's that specialize in care of children cite an increase in domestic violence aimed at children, which they attribute 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. Those NGO's have educational programs aimed at reducing the level of violence, but lack funding.

People with Disabilities.—The Government does not mandate accessibility to buildings or government services for the disabled. Public enterprises, in downsizing the work force, generally ignore a law that requires that they reserve 1 percent of their jobs for the disabled. Social security provides for payments for orthopedic equipment, and some nongovernmental organizations receive limited government financial support. The Government also attempts to finance specialized training, but this initiative remains rudimentary.

National/Racial/Ethnic Minorities.—The Amazighs are an ethnic minority, centered in the Kabylie region. Amazigh nationalists have sought to maintain their own cultural and linguistic identity while the Government's Arabization program continues. The law requires that Arabic be the official language and requires, under penalty of fines, that all official government business be conducted in Arabic. The law also requires that Arabic be used for all broadcasts on national television and radios for dubbing or subtitling all non-Arabic films, for medical prescriptions, and for communications equipment. In September President Bouteflika stated that the Amazigh language would never be an official 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 are professorships in Amazigh culture at the University of Tizi Ouzou. The government-owned national television station broadcasts a brief nightly news program in the Amazigh language. Amazighs hold influential positions in government, the army, business, and journalism.

The Tuaregs, a people of Amazigh origin, live an isolated, nomadic existence and are relatively few in number.

Section 6. Worker Rights

a. *The Right of Association.*—Workers have the right to establish trade unions of their choice. About two-thirds of the labor force belong 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 syndicates that are specialized by sector. There are also some autonomous unions, such as syndicates for Air Algeria pilots (SPLA), airport technicians (SNTMA), and teachers (CNEX).

Workers are required to obtain government approval to establish a union. The 1990 Law on Labor Unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Syndicates Confederation (CSA) has attempted since early 1996 to organize the autonomous syndicates, but without success. The application that the CSA filed with the Labor Ministry still was pending at year's end, although the CSA continues to function without official status. The law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dis-

solve unions that engage in illegal activities. The labor union organized by the banned FIS, the Islamic Syndicate of Workers (SIT), was dissolved in 1992 because it had no license.

Under the state of emergency, the Government is 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, mediation, or arbitration. The law states that arbitration decisions are binding on both parties. If no agreement is reached in arbitration, 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.

On several occasions during the year and at several university campuses in the capital and other cities, university workers and students went on strike to protest low salaries, inadequate housing, and large classes. These strikes sometimes ended with minor concessions by the Government. In August the national airline workers also went on strike for higher wages.

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA has contacts with French unions.

b. *The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining for all unions, and the Government permits 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.

The Government has established an export processing zone in Jijel.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is incompatible with the Constitution's provisions on individual rights. The Penal Code prohibits compulsory labor, including by children, and the Government generally enforces the ban effectively. Armed terrorist groups reportedly kidnap young women and keep them as sex slaves (see Sections 1.a., 1.b., 1.c., 5, and 6.f.).

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 enforce the minimum employment age by making periodic or unannounced inspection visits to public-sector enterprises. They do not enforce the law effectively in the agricultural or private sectors. Economic necessity compels many children to resort to informal employment, such as street vending. The Government prohibits forced and bonded labor by children and generally enforces this prohibition (see Section 6.c.).

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 fixes by decree a monthly minimum wage for all sectors; however, this is not sufficient to provide a decent standard of living for a worker and family. The minimum wage is $90 (6,000 dinars) per month. Ministry of Labor inspectors are responsible for ensuring compliance with the minimum wage regulation; however, their enforcement is inconsistent.

The standard workweek is 40 hours. There are well-developed occupation and health regulations codified in a 1991 decree, but government inspectors do not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions.

f. *Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons.

Armed terrorist groups frequently kidnaped young women, raped them for weeks at a time, and kept them as sex slaves for group leaders and other members (see Sections 1.a., 1.b., 1.c., 5, and 6.c.).

BAHRAIN

Bahrain is a hereditary emirate with few democratic institutions and no political parties. The Al-Khalifa extended family has ruled Bahrain since the late 18th century and dominates all facets of its society and government. The Constitution confirms the Amir as hereditary ruler. The current Amir, Shaikh Hamad Bin Isa Al-Khalifa, succeeded his father, Shaikh Isa Bin Salman Al-Khalifa, who died on March 6. Shaikh Hamad governs the country with the assistance of his uncle as Prime Minister, his son as Crown Prince, and an appointed cabinet of ministers. In 1975 the Government suspended some provisions of the 1973 Constitution, including those articles relating to the National Assembly, which was disbanded and never

reconstituted. Citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting over 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 powerful Sunni and Shi'a merchant families. The political situation was calm during the year; there were incidents of political unrest in 1998, but there has not been significant unrest since 1996. There are few judicial checks on the actions of the Amir and his Government, and the courts are subject to government pressure.

The Ministry of Interior is responsible for public security. It controls the public security force (police) and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats. It did not play a role in internal security during the year. Security forces committed serious human rights abuses.

Bahrain has a mixed economy with government domination of many basic industries, including the important oil and aluminum sectors. Possessing limited oil and gas reserves, the Government is working to diversify its economic base, concentrating on light manufacturing and the services sectors, particularly banking, financial services, and consulting. The Government has used its modest oil revenues to build a highly advanced transportation and telecommunications infrastructure. Economic growth is highly dependent on global oil prices, but the economy remains stable. The Government encouraged private national and international investment and moved to privatize some of its state-run industries. Bahrain is a regional financial and business center. Tourism, particularly via the causeway linking Bahrain to Saudi Arabia, is also a significant source of income. Citizens enjoy a high standard of living.

There continued to be serious problems in the Government's human rights record; however, the situation improved measurably during the year. The Government continued to deny citizens the right to change their government; however, the political situation improved due to the sharp decrease in political and civil unrest, and an effort by the new Amir to develop relations with the Shi'a community. Unlike the previous year, there were no extrajudicial killings by security forces; however security forces continued to torture, beat, and otherwise abuse prisoners. Impunity remains a problem; there were no known instances of any security forces personnel being punished for human rights abuses committed either during the year or in any previous year. The Government continued to use arbitrary arrest and detention, incommunicado and prolonged detention, and involuntary exile; however, one of the new Amir's first official acts was to pardon or release over 400 prisoners and detainees, and exiles. In November and December the Amir pardoned a combined total of approximately 400 prisoners and detainees, some of whom had been detained for political reasons. The judiciary remains subject to government pressure, and there are limits on the right to a fair public trial, especially in the security court. The Government continued to infringe on citizens' privacy rights. The Government imposed some restrictions on freedom of speech and of the press and restricted freedom of assembly and association. The Government also imposes some limits on freedom of religion and movement. Violence against women and discrimination based on sex, religion, and ethnicity remain problems. The Government restricts worker rights, and there were instances of forced labor.

The new Amir took some steps to improve the treatment of the Shi'a population. For example in December the Amir stated that all citizens are "equal before the law" and allowed Shi'a to apply for jobs in the BDF and the Ministry of the Interior for the first time in 4 years. In early July, the Amir pardoned Shi'a spiritual leader Abdul Amir Al-Jamri, who had been in prison since 1996. The Amir also allowed greater access by members of international human rights groups during the year, including visits by Middle East Watch, Human Rights Watch, and Amnesty International.

RESPECT FOR HUMAN RIGHTS

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

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

There were no investigations or prosecutions of any security forces personnel for alleged extrajudicial killings committed in 1998 or earlier years.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law; however there are credible reports that prisoners often are beaten, both on the soles of their feet and about the face and head, burned with cigarettes,

forced to endure long periods without sleep, and in some cases subjected to electrical shocks. The Government has difficulty in rebutting allegations of torture and of other cruel, inhuman, or degrading practices because it permits incommunicado detention and detention without trial. There were no known instances of officials being punished for human rights abuses committed either during the year or in any previous year.

Opposition and human rights groups allege that the security forces sometimes threaten female detainees with rape and inflict other forms of sexual abuse and harassment on them while they are in custody. These allegations are difficult to confirm or deny.

Prisons generally meet minimum international standards. Local defense attorneys report that their clients continued to receive improved care and treatment. In addition the release of hundreds of detainees from jail, perhaps as many as 788, (see Section 1.d.) and the reduced number of arrests during the year, eased overcrowding. At the Government's invitation, the International Committee of the Red Cross (ICRC) continued the series of visits to prisons that it started in late 1996.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. 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." However, in practice, in matters regarding arrest, detention, or exile, the 1974 State Security Act takes precedence. Under the State Security Act, persons may be detained for up to 3 years without trial for engaging in activities or making statements regarded as a threat to the broadly defined concepts of national harmony and security, and the Government continued to arrest and detain citizens arbitrarily. The scope of the State Security Act extends to any case involving arson, explosions, or attacks on persons at their place of employment or because of the nature of their work. Detainees have the right to appeal such detentions after a period of 3 months and, if the appeal is denied, every 6 months thereafter from the date of the original detention.

Government security forces used the State Security Act during the year to detain persons deemed to be engaging in antigovernment activities, including persons who attempted to exercise their rights of free speech, assembly, and association, or other rights. Activities that also may lead to detention, questioning, warning, or arrest by the security forces include: Membership in illegal organizations or those deemed subversive; painting antigovernment slogans on walls; joining antigovernment demonstrations (see Section 2.b.); possessing or circulating antigovernment writings; preaching sermons considered by the Government to have an antigovernment political tone; and harboring or associating with persons who committed such acts. However, there was greater tolerance of certain activities during the year, and the number of persons detained was less than in 1998.

In addition to overseeing the security service and police, the Ministry of Interior also controls the Office of the Public Prosecutor, whose officers initially determine whether sufficient evidence exists to continue to hold a prisoner in investigative detention. The Ministry is responsible for all aspects of prison administration. In the early stages of detention, prisoners and their attorneys have no recourse to any authority outside the Ministry of Interior. The authorities rarely permit visits to inmates who are incarcerated for security-related offenses and such prisoners may be held incommunicado for months, or sometimes years. However, prisoners detained for criminal offenses generally may receive visits from family members, usually once a month.

At the beginning of the year, security forces were estimated to have held over 1,300 persons in detention for security-related offenses. During the year, some were arrested, released, and then arrested again. At year's end, the total number of persons detained was substantially reduced; however, as many as 1,000 persons still remained in detention. During the year, the Government pardoned as many as 400 persons detained in connection with antigovernment activities. One of the new Amir's first official acts was to pardon or release over 400 detainees, prisoners, and exiles. In November the Amir pardoned an additional 200 prisoners and detainees, some of whom had been detained for political reasons. In December the Amir pardoned another group of 195; the Government publicly stated in December that the Amir pardoned 788 prisoners and detainees since his accession in March.

Abdul Amir Al-Jamri, a prominent Shi'a cleric, longtime opposition activist, and one of the original 14 signers of the 1994 petition to the Amir calling for the restoration of the National Assembly, was convicted and sentenced to 10 years' imprisonment on July 7 after having been detained since January 1996, but he was pardoned by the Amir on July 8. Several other Shi'a clerics who were associated with Al-Jamri and were arrested at the same time, Abdul Wahab Hussein, Hassan

Mushaimaa, Hassan Sultan, and Haji Hassan Jarallah, remain in jail. One of the clerics arrested with Al-Jamri died in detention in 1997; the Government stated that he died of natural causes.

Abdul Jahil Abdula Khadim, a shop owner, remained in detention at year's end. He was detained in 1998 after a young man who worked in his store died from police mistreatment. Most of the young men detained in July and October following antigovernment demonstrations reportedly were released.

While the authorities reserve the right to use exile and the revocation of citizenship to punish individuals convicted or suspected of antigovernment activity, there were no reports of exile orders issued during the year. In the past, the Government has revoked the citizenship of persons that it considered to be security threats. The Government considers such persons to have forfeited their nationality under the Citizenship Act of 1963 because they accepted foreign citizenship or passports, or engaged in antigovernment activities abroad. Bahraini emigre groups and their local contacts have challenged this practice, arguing that the Government's revocation of citizenship without due process violates the Constitution. The Amir pardoned 32 exiles during the year. According to the emigre groups, as many as 450 citizens continue to live in exile. This total includes both those prohibited from returning to Bahrain and their family members who live abroad with them voluntarily.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts are subject to government pressure regarding sentencing and appeals.

The civil and criminal legal system consists 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 1974 State Security Act created a separate, closed security court system, which has jurisdiction in cases of alleged antigovernment activity.

The Bahrain Defense Force maintains a separate court system for military personnel accused of offenses under the Military Code of Justice. Military courts do not review cases involving civilian, criminal, or security offenses.

Defense attorneys are appointed by the Ministry of Justice and Islamic Affairs. Some attorneys and family members involved in politically sensitive criminal cases complain that the Government interferes with court proceedings to influence the outcome or to prevent judgments from being carried out. There are also periodic allegations of corruption in the judicial system.

In past cases, the Amir, the Prime Minister, and other senior government officials have lost civil cases brought against them by private citizens; however, the court-ordered judgments are not always implemented expeditiously. Members of the ruling Al-Khalifa family are well represented in the judiciary and generally do not excuse themselves from cases involving the interests of the Government.

A person arrested may be tried in an ordinary criminal court or, if recommended by the prosecution, in the Security Court. Ordinary civil or criminal trial procedures provide for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Criminal court proceedings generally do not appear to discriminate against women, children, or minority groups. However, there is credible evidence that persons accused of antigovernment crimes and tried in the criminal courts were denied fair trials. Those accused are not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing. Trials in the criminal courts for antigovernment activities are held in secret.

Security cases are tried in secret by judges on the Supreme Court of Appeals, sitting as the Security Court. Family members usually are not permitted in the court until the final verdict is rendered. Procedures in the security courts do not provide for even the most basic safeguards. The Security Court is exempt from adhering to the procedural protections of the Penal Code. Defendants may be represented by counsel, but they seldom see their attorneys before the actual day of arraignment. Convictions may be based solely on confessions and police evidence or testimony that may be introduced in secret. The defense cannot review the evidence against the defendant prior to trial proceedings. Defense lawyers complain that they rarely are given sufficient time to find witnesses. There is no right to judicial review of the legality of arrests. There is no judicial appeal of a State Security Court verdict, but the defendant may request clemency from the Amir. The Security Court tried one individual, Abdul Amir Al-Jamri, during the year.

The number of political prisoners is difficult to determine because the Government does not release data on security cases; however, the total is believed to be less than 100. Such cases are not tried in open court, and visits to prisoners convicted of security offenses are restricted strictly. The Government denies that there are any political prisoners and claims that all inmates incarcerated for committing

security offenses were convicted properly of subversive acts such as espionage, espousing or committing violence, or belonging to terrorist organizations.

In accordance with tradition, the Government releases and grants amnesty to some prisoners, including individuals imprisoned for political activities, on major holidays. The Government reported that the Amir pardoned over 788 prisoners and detainees since his accession in March, although it was uncertain how many of these were political prisoners rather than common criminals (see Section 1.d.). The prisoners were expected to be released in small groups over the course of several months.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—During the year, the Government infringed on citizens' right to privacy, using illegal searches and arbitrary arrests as tactics to control political unrest, although reports of such violations of citizens' rights to privacy continued to decline. Under the State Security Law, the Ministry of Interior is empowered to authorize entry into private premises without specific judicial intervention. Telephone calls and personal correspondence are subject to monitoring. Police informer networks are extensive and sophisticated.

There were reports that security forces entered private homes without warrants and took into custody residents who were suspected of either participating in, or having information regarding, antigovernment activities. While conducting these raids, security forces confiscated, damaged, or destroyed personal property for which owners were not compensated by the Government. Security forces also set up checkpoints at the entrances to villages, requiring vehicle searches and proof of identity from anyone seeking to enter or exit. Whenever possible the Government jams, either in whole or in part, foreign broadcasts that carry antigovernment programming or commentary. A government-controlled proxy prohibits user access to Internet sites considered to be antigovernment or anti-Islamic (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for the right "to express and propagate" opinions; however, citizens are not in practice free to express their public opposition to the Government in speech or writing, although there was some improvement during the year. Press criticism of ruling family personalities and of government policy regarding certain sensitive subjects—such as sectarian unrest and the dispute with Qatar over the Hawar islands—is strictly prohibited. However, after the new Amir assumed power on March 6, the Government allowed the press somewhat greater latitude. The Amir stated in his December 16 National Day speech that the press and public have a duty to question the Government about developments in the country. Some sensitive issues, such as criticizing the services offered by the Ministries of Interior and Defense and discussing the state budget, which were forbidden in the past, are now being addressed in the local press. In July and August, the local press published two comments criticizing the Ministry of Interior's policy toward the "bidoon," (the indigenous stateless population of mostly Persian-origin Shi'a upon whom the Government has not conferred citizenship or the right to hold passports). In August columnists criticized the Ministry of Finance for not informing the public of the effect of the increase in oil prices on the State's budget and national income.

Local press coverage and commentary on international issues is open, and discussion of local economic and commercial issues also is relatively unrestricted. Many individuals express critical opinions openly on domestic political and social issues in private settings but do not do so to leading government officials or in public forums.

The Information Ministry exercises extensive control over all local media. Newspapers are owned privately, but they routinely exercise self-censorship of stories on sensitive topics. The Government does not condone unfavorable coverage of its domestic policies by the international media and occasionally has revoked the press credentials of offending journalists. Because the Ministry controls foreign journalists' residence permits, unfavorable coverage could lead to deportation. However, there were no reports that the Government revoked press credentials during the year. The Government generally afforded foreign journalists access to the country and did not limit their contacts.

The State owns and operates all radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt can be received without interference. However, international news services, including the Associated Press, United Press International, and Agence France Presse, sometimes complain about press restrictions. The Cable News Network is available on a 24–hour basis by subscription, and the British Broadcasting Corporation World News Service is carried on a local channel 24 hours a day free of charge. However, the

Government generally jams, wholly or partially, foreign broadcasts that carry antigovernment programming or commentary (see Section 1.f.).

Most senior government officials, ruling family members, and major hotels use satellite dishes to receive international broadcasts, as do well-to-do private citizens. Access to satellite dishes and the importation or installation of dishes no longer require prior government approval (see Section 3).

Access to the Internet is provided through the National Telephone Company (BATELCO). A government-controlled proxy prohibits user access to sites considered to be antigovernment or anti-Islamic; e-mail access to information is unimpeded, although it may be subject to monitoring (see Section 1.f.).

Although there are no formal regulations limiting academic freedom, in practice academics try to avoid contentious political issues. University hiring and admissions policies appear to favor Sunnis and others who are assumed to support the Government rather than focusing on professional experience and academic qualifications; however, there was some improvement in hiring qualified individuals in a nondiscriminatory manner during the year.

b. Freedom of Peaceful Assembly and Association.—Despite the Constitution's provision for the right of free assembly, the Government prohibits all public political demonstrations and meetings and controls religious gatherings that may take on political overtones. Permits are required for most other public gatherings, and permission is not granted routinely. Unauthorized public gatherings of more than five persons are prohibited by law. The Government monitors gatherings that might take on a political tone and frequently disperses such meetings.

The Constitution provides for the right of free association; however, the Government restricts this right. The Government prohibits political parties and organizations. Some professional societies and social and sports clubs traditionally have served as forums for discreet political discussion, but they are restricted by law from engaging in political activity. Only the Bahraini Bar Association is exempt from the regulations that require that the constitutions of all associations include a commitment to refrain from political activity. The Bar Association successfully had argued that a lawyer's professional duties may require certain political actions, such as interpreting legislation or participating in a politically sensitive trial. In January 1998, after the Bar Association sponsored a lecture in which prodemocracy speakers publicly attacked the Government, the Government told current board members that they would not be allowed to stand for reelection. Although the decision has not been reversed, the Bar Association continues to operate without hindrance. Other organized discussions and meetings no longer are discouraged actively.

c. Freedom of Religion.—The population is overwhelmingly Muslim, and the Constitution states that Islam is the official religion; however, while the Constitution also provides for freedom of religion, the Government does not tolerate political dissent from religious groups or leaders, and subjects both Sunni and Shi'a Muslims to governmental control and monitoring. Shi'a constitute over two-thirds of the indigenous population. Most world religions are represented in the country, and their followers generally practice their faith privately without interference from the Government. Christians and other non-Muslims including Jews, Hindus, and Baha'is practice their religion freely, maintain their own places of worship, and display the symbols of their religion. There are no registration requirements for religious organizations.

Bibles and other Christian publications are displayed and sold openly in local bookstores that also sell Islamic and other religious literature. Some small groups worship in their homes. Notable dignitaries from virtually every religion and denomination visit the country and frequently meet with the Government and civic leaders. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions are readily available.

However, proselytizing by non-Muslims is discouraged, anti-Islamic writings are prohibited, and conversions from Islam to other religions, while not illegal, are not tolerated well by society.

Both Sunni and Shi'a Muslims are subject to governmental control and monitoring. During the year, there were no reports that the Government closed any mosques or Ma'tams (Shi'a community centers) as it did the previous year to prevent religious leaders from delivering political speeches.

The High Council for Islamic Affairs is charged with the review and approval of all clerical appointments within both the Sunni and Shi'a communities and maintains program oversight for all citizens studying religion abroad. Public religious events, most notably the large annual commemorative marches by Shi'a, are permitted but are monitored closely by the Government. There are no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites

in Iran, Iraq, and Syria. However, due to conditions in Iraq, very few citizens make pilgrimages there. Stateless residents who do not possess Bahraini passports often have difficulties arranging travel to religious sites abroad. The Government monitors travel to Iran and scrutinizes carefully those who choose to pursue religious study there.

The new Amir took some steps to improve the treatment of the Shi'a population. For example in June the Amir stated that all citizens are "equal before the law" and allowed Shi'a to apply for jobs in the BDF and the Ministry of the Interior for the first time in 4 years. In early July, the Amir pardoned Shi'a spiritual leader Abdul Amir Al-Jamri, who had been in prison since 1996. Several other clerics associated with Al-Jamri remain in jail (see Section 1.d.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government imposes some limits on these rights. Citizens are free to move within the country and change their place of residence or work. However, passports may be denied on political grounds. Approximately 3 percent of the indigenous population, the "bidoon," or stateless persons, mostly Persian-origin Shi'a, do not have passports and cannot obtain them readily, although they may be given travel documents as Bahraini residents (see Section 5). The Government occasionally grants citizenship to resident non-Bahrainis who are Sunni Muslims, mostly from the Arabian Peninsula and Egypt.

Citizens living abroad who are suspected of political or criminal offenses may face arrest and trial upon return to the country. 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 has issued temporary passports, valid for one trip a year, to individuals whose travel it wishes to control or whose claim to Bahraini nationality is questionable. A noncitizen resident, including a bidoon of Iranian origin, also may obtain a Bahraini laissez-passer (travel documents), usually valid for 2 years and renewable at Bahraini embassies overseas. The holder of a laissez-passer also requires a visa to reenter the country.

Although the Government cooperates with the U.N. High Commissioner for Refugees to the maximum extent possible, it has not formulated a formal policy regarding refugees, asylees, or first asylum. The Government usually does not accept refugees due to its small size and limited resources. However, in practice refugees who arrive are not repatriated to countries from which they have fled. Many Iranian emigres who fled Iran after the Iranian revolution have been granted permission to remain in the country, but they have not been granted citizenship.

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

Citizens do not have the right peacefully to change their government or their political system, and the Government controls political activity. Since the dissolution of the National Assembly in 1975, there have been no formal democratic political institutions. The Prime Minister makes all appointments to the Cabinet. All other government positions are filled by the relevant ministries. About one-third of the cabinet ministers are Shi'a Muslim, although they do not hold security-related offices. The Government appeared to be more open to criticism during the year; however, it continues to view most substantive reform as a threat to stability and has taken only halting steps to expand political participation. The ordinary citizen may attempt to influence government decisions through submission of personal written petitions and informal contact with senior officials, including appeals to the Amir, the Prime Minister, and other officials at their regularly scheduled public audiences, called majlises.

In 1992 the Amir established by decree a Consultative Council (Majlis Al-Shura). Its 40 members are divided between Sunni and Shi'a (21 Shi'a, 19 Sunni) and are appointed by the Amir. They are selected to represent major constituent groups, including representatives from the business, labor, professional, and religious communities. There are no members of the ruling Al-Khalifa family or religious extremists in the Majlis. In addition to legislation submitted for its review by the Cabinet, the Majlis may initiate debate independently on nonpolitical issues. The Majlis also may summon cabinet ministers to answer questions, but its recommendations are not binding on the Government. The Majlis held its seventh session from October 1998 to May, and began a new session on October 6.

During the year, the Majlis debated a number of contentious social and economic issues, including unemployment, privatization, child care, and education reform, and drafted proposals on these and other subjects for government consideration. According to the Speaker of the Majlis, the Government responded favorably to all but one

of the Majlis's recommendations by incorporating them into legislation or by taking other appropriate actions.

Women are underrepresented greatly in government and politics; there are no women in the Majlis or at the ministerial levels of Government. The majority of women who choose to work in government are in a support capacity, and only a few have attained senior positions within their respective ministries or agencies.

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

There are no local human rights organizations. Because of the restrictions on freedom of association and expression, any independent, domestically based investigation or public criticism of the Government's human rights policies faces major obstacles. Several political opposition movements in exile report on the human rights situation. These include the Damascus-based Committee for the Defense of Human Rights in Bahrain, the London-based Bahrain Freedom Movement, the Beirut-based Islamic Front for the Liberation of Bahrain, and the Copenhagen-based Bahrain Human Rights Organization. These groups are composed of small numbers of emigres living in self-imposed exile and reportedly receive funding from sources hostile to the Government.

The Government maintains that it is not opposed to visits by bona fide human rights organizations. During the year, the Government allowed increased access by international human rights organizations. During the year, Middle East Watch and Human Rights Watch representatives visited the country, and in June the Government received a delegation from Amnesty International, which issued a brief statement that noted that it was invited by the Government but was not allowed to meet with all persons to whom it requested access. In 1996 the Government invited the ICRC to undertake visits to the country's prisons. The visits continued throughout the year and, while the ICRC has maintained its usual standards of confidentiality regarding its findings, credible reports indicate that conditions throughout the penal system have improved.

Section 5. Discrimination Based on Race, Sex, Religion, 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 are protected unevenly, depending on the individual's social status, ethnicity, or sex.

Women.—Violence against women occurs, but incidents usually are kept within the family. In general there is little public attention to, or discussion of, the problem. 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. No government policies explicitly address violence against women. Women's groups and health care professionals state that spouse abuse is common, particularly in poorer communities. There are very few known instances of women seeking legal redress for violence. Anecdotal evidence suggests that the courts are not receptive to such cases.

It is not uncommon for foreign women working as domestic workers to be beaten or sexually abused. Numerous cases have been reported to local embassies and the police. However, most victims are too intimidated to sue their employers. Courts reportedly have allowed victims who do appear to sue for damages, return home, or both.

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, have been made.

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. In contrast, Sunni women—in the absence of a direct male heir—inherit only a portion as governed by Shari'a; the balance is divided among brothers, uncles, and male cousins of the deceased.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under age 7, although custody usually reverts to the father once the children reach those ages. In all circumstances except mental incapacitation, the father, regardless of custody, retains the right to make certain legal decisions for his children, such as guardianship of any property belong-

ing to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father.

Women may obtain passports and leave the country without the permission of the male head of the household. Women are free to work outside the home, to drive cars without escorts, and to wear the clothing of their choice. Women increasingly have taken jobs previously reserved for men. The Labor Law does not discriminate against women; however, in practice, there is discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Women constitute over 20 percent of the work force. The Government has encouraged the hiring of women, enacted special laws to promote female entry into the work force, and is a leading employer of women. The Labor Law does not recognize the concept of equal pay for equal work, and women frequently are paid less than men. Generally, women work outside the home during the years between secondary school or university and marriage. Some women complain that admissions policies at the National University are aimed at increasing the number of male students at the expense of qualified female applicants, especially Shi'a women. Nevertheless, women make up the majority of students at the country's universities.

There are women's organizations that seek to improve the status of women under both civil and Islamic law. Some women have expressed the view that, despite their participation in the work force, women's rights are not advancing significantly and that much of the lack of progress is due to the influence of Islamic religious traditionalists. However, other women desire a return to more traditional values and support calls for a return to traditional Islamic patterns of social behavior.

Children.—The Government often has stated its commitment to the protection of children's rights and welfare within the social and religious framework of this traditional society. It generally honors this commitment through enforcement of its civil and criminal laws and extensive social welfare network. Public education for children below the age of 15 is free. While the Constitution provides for compulsory education at the primary levels, authorities do not enforce attendance. Limited medical services for infants and preadolescents are 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 is rare, as is public discussion of it; the preference of the authorities always has been to leave such matters within the purview of the family or religious groups. The authorities actively enforce the laws against prostitution, including child prostitution, procuring, and pimping. Violators are dealt with harshly and can be imprisoned, or, if a noncitizen, deported. In some cases, authorities reportedly return 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 have called on the Government to establish a separate juvenile court. However, other citizens insist that the protection of children is a religious, not a secular, function and oppose greater government involvement. Independent and quasigovernmental organizations such as the Bahraini Society for the Protection of Children and the Mother and Child Welfare Society play 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.

In 1998 there were numerous arrests and detentions of juveniles during the year in connection with the political unrest. These children generally were released without charges within several days of their arrests. However, those juveniles charged with security offenses received the same treatment as adult prisoners, that is, incommunicado detention and trial before a State Security Court. There were very few reports of arrests and detentions of juveniles during the year, and these persons were released.

People with Disabilities.—The law protects the rights of the disabled and a variety of governmental, quasigovernmental, and religious institutions are mandated to support and protect disabled persons. The regional (Arabian Gulf) Center for the Treatment of the Blind is headquartered in Bahrain, and a similar Center for the Education of Deaf Children was established in 1994. Society tends to view the disabled 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 disabled persons who wish to work and maintains a list of certified, trained disabled persons. The Labor Law of 1976 also requires that any employer of over 100 persons must engage at least 2 percent of its employees from the Government's list of disabled workers; however, this commitment cannot be verified. The Ministry of Labor and Social Affairs works actively to place the disabled in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require that access be provided to disabled persons. Greater emphasis has been given in recent years to public building design that incorporates access for

the disabled; however, the law does not mandate access to buildings for persons with disabilities.

Religious Minorities.—Although there are notable exceptions, the Sunni Muslim minority enjoys a favored status. Sunnis receive preference for employment in sensitive government positions and in the managerial ranks of the civil service. While the defense and internal security forces are predominantly Sunni, Shi'a citizens now are allowed to hold posts in these forces; however, they do not hold significant positions. In the private sector, Shi'a citizens tend to be employed in lower paid, less skilled jobs.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in rural villages, are inferior to those found in Sunni urban communities. In an effort to remedy societal discrimination, the Government has built numerous subsidized housing complexes open to all citizens on the basis of financial need. In order to ease both the housing shortage and strains on the national budget, in 1997 the Government revised its policy in order to permit lending institutions to finance mortgages on apartment units.

National/Racial/Ethnic Minorities.—A group of approximately 9,000 to 15,000 persons, mostly Shi'a of Persian-origin, but including some Christians, are stateless. Commonly known as bidoon, they enjoy less than full citizenship under the 1963 Citizenship Act. Many are second- or third-generation residents whose ancestors emigrated from Iran. Although they no longer claim Iranian citizenship, most have not been granted Bahraini citizenship. Without citizenship these individuals officially are unable to buy land, start a business, or obtain government loans, although in practice many do. The law does not address the citizenship rights of persons who were not registered with the authorities prior to 1959, which creates a legal problem for such persons and their descendants and results in economic and other hardships. The Government maintains that many of those who claim to be bidoon are actually citizens of Iran or other Gulf states who have chosen voluntarily not to renew their foreign passports. Bidoon and citizens who speak Farsi rather than Arabic as their first language also face significant social and economic obstacles, including difficulty finding employment.

The Amir stated in his December 16 national day speech that he was committed to giving citizenship to "every qualified person." There were reports that several bidoon families received citizenship after waiting 20 years.

Section 6. Worker Rights

a. *The Right of Association.*—The partially suspended 1973 Constitution recognizes the right of workers to organize; however, independent trade unions do not exist. The Constitution provides for "freedom to form associations and trade unions on national bases and for lawful objectives and by peaceful means," in accordance with the law, and states that "no person shall be compelled to join or remain in any association or union."

In response to labor unrest in the mid–1950's, 1965, and 1974, the Government passed a series of labor regulations, which allow the formation of elected workers' committees in larger companies. Worker representation is based on a system of Joint Labor-Management Committees (JLC's) established by ministerial decree. Three JLC's were created in 1998, bringing the total to 19.

The JLC's are composed of equal numbers of appointed management representatives and worker representatives elected from and by company employees. Each committee is chaired alternately by the management and worker representative. The selection of worker representatives appears to be fair. Under the law, the Ministry of Interior may exclude worker candidates with criminal records or those deemed a threat to national security, but the Government has not taken such action in recent years.

The elected labor representatives of the JLC's select the 11 members of the General Committee of Bahrain workers (GCBW) established by law in 1983, which oversees and coordinates the work of the JLC's. The Committee also hears complaints from Bahraini and foreign workers and assists them in bringing their complaints to the attention of the Ministry of Labor or the courts. In 1998 elections were held for 3–year terms for representatives to the GCBW. Workers from a variety of occupations were elected to the body, including Sunni and Shi'a Muslims, foreign workers, and one woman. These elections, which were by secret ballot, appeared to be free and fair.

Although the Government and company management are not represented on the GCBW, the Ministry of Labor closely monitors the body's activities. It approves the GCBW's rules and the distribution of the GCBW's funds. The JLC–GCBW system represents nearly 70 percent of the island's indigenous industrial workers, although both the Government and labor representatives readily admit that nonindustrial

workers and foreign workers clearly are underrepresented in the system. The Ministry of Labor and Social Affairs supports the formation of JLC's in all public and private sector companies that employ more than 200 workers.

Although foreign workers constitute 67 percent of the work force, they are underrepresented in the GCBW. Foreign workers participate in the JLC elections, and five foreign workers currently serve on JLC's. However, none sits on the board of the GCBW. It is a long-term goal of both the Government and the GCBW to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

The Labor Law is silent on the right to strike, and there were no strikes during the year. Actions perceived to be detrimental to the "existing relationship" between employers and employees or to the economic health of the State are forbidden by the 1974 Security Act. There were no recent examples of major strikes, but walkouts and other job actions have been known to occur in the past without governmental intervention and with positive results for the workers.

Internationally affiliated trade unions do not exist. The GCBW represents workers in the Arab Labor Organization, but does not belong to any international trade union organizations.

b. The Right to Organize and Bargain Collectively.—As in the case of strikes, the Labor Law neither grants nor denies workers the right to organize and bargain collectively outside the JLC system. While the JLC's are empowered to discuss labor disputes, organize workers' services, and discuss wages, working conditions, and productivity, workers have no independent, recognized vehicle for representing their interests on these or other labor-related issues. Minimum wage rates for public sector employees are established by Council of Ministers' decrees. Private businesses generally follow the Government's lead in establishing their wage rates.

There are two export processing zones. Labor law and practice are the same in these zones as in the rest of the country.

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

In some cases, foreign workers arrive in the country under the sponsorship of an employer and then switch jobs, while continuing to pay a fee to their original sponsor. The Government has announced its intention to stop this illegal practice, which makes it difficult to monitor and control the employment conditions of domestic and other workers; however, it took no substantive action during the year.

Labor Law amendments passed in 1993 stiffened the penalties for job switching to include jail sentences of up to 6 months for the sponsor of every illegally sponsored worker. In such cases, the workers involved are likely to be deported as illegal immigrants after the case is concluded. During the summer and fall of 1998, the Government conducted an amnesty program under which undocumented foreign workers were permitted either to legalize their status or leave the country without penalty. As many as 38,000 workers opted to participate in the amnesty program; there was no amnesty in 1999.

The sponsorship system leads to other abuses as well. There are numerous reports that employers withhold salaries from their foreign workers for months, even years, at a time, and may refuse to grant them the necessary permission to leave the country. The Government and the courts generally work to rectify those abuses brought to their attention, but the fear of deportation or employer retaliation prevents many foreign workers from making complaints to the authorities.

Labor Laws do not apply to domestic servants. There are credible reports that domestic servants, especially women, sometimes are forced to work 12- or 16-hour days, given little time off, and are subjected to verbal and physical abuse.

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 piecemeal basis. Child labor laws are enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector is monitored less well, but it is not believed to be significant outside family operated businesses, and even in that sector it is not very widespread. Some children work in the market areas as car-washers and porters. While the Constitution calls for compulsory education at the primary levels, authorities do not enforce attendance (see Section 5). The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. *Acceptable Conditions of Work.*—Minimum wage scales, set by government decree, exist for public sector employees and generally afford a decent standard of liv-

ing for a worker and family. The minimum wage for the public sector is $278.25 (105 dinars) a month. Wages in the private sector are determined on a contract basis. For foreign workers, employers consider benefits such as annual trips home and housing and education bonuses as part of the salary.

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 enforces the law with periodic inspections and fines routinely imposed on violators. The press often performs an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. Once a complaint has been lodged by a worker, the Ministry of Labor 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 must, by law, be referred to the court within 15 days. In practice most employers prefer to settle such disputes through arbitration, particularly since the court and labor law generally are considered to favor the employee.

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

In 1993 the Government strengthened the Labor Law by decree of the Amir, announcing that significant fines and jail sentences would be imposed upon private-sector employers who fail to pay legal wages. This law applies equally to employers of citizens and foreign workers and is intended to reduce abuses against foreign workers who sometimes have been denied legal salaries (see Section 6.c.). The law provides equal protection to citizen and foreign workers, but all foreign workers still 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 generally is responsive to embassy requests to investigate foreign guest worker complaints about unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often are unwilling to report abuses for fear of losing residence rights and having to return to their native countries. Sponsors are able to cancel the residence permit of any person under their sponsorship and thereby block them for 1 year from obtaining entry or residence visas from another sponsor, although the sponsor may be subject to sanctions for wrongful dismissal. Foreign women who work as domestic workers often are beaten or sexually abused (see Section 5).

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

f. *Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

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 it maintains an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. President Hosni Mubarak was reelected unopposed to a fourth 6-year term in a national referendum held in September. The Cabinet and the country's 26 governors are appointed by the President and may be dismissed by him at his discretion. The judiciary is independent; however, there is no appellate process for verdicts issued by the military or State Security Emergency courts.

There are several security services in the Ministry of Interior, two of which are involved primarily in combating terrorism: The State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees; and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations, and conducts paramilitary operations against terrorists. The President is the com-

mander-in-chief of the military; the military is a primary stabilizing factor within society but generally does not involve itself in internal issues. The use of violence by security forces in the campaign against suspected terrorists appeared more limited than in previous years. The security forces committed numerous serious human rights abuses.

Egypt is in transition from a government-controlled economy to a free market system. The Government continued its privatization program, although key sectors of the economy remain under government control. Agriculture remains the largest employer and is almost entirely in private hands. The tourism sector generates the largest amount of foreign currency. Petroleum exports, Suez Canal revenues, and remittances from approximately 2 million Egyptians working abroad are the other principal sources of foreign currency. These income sources are vulnerable to external shocks. Over the past decade, the Government has enacted significant economic reforms, which have reduced the budget deficit, stabilized the exchange rate, reduced inflation and interest rates significantly, and built up substantial reserves. However, export growth has lagged behind the growth in imports, which has resulted in an increase in the merchandise trade deficit to $12 billion for the year 1998–99.

Several government policies enacted during the year, including restrictive trade decrees and foreign exchange rationing, led observers to question whether the Government can sustain its current exchange rate policy and interest rates. President Mubarak reshuffled the Cabinet in October to address these problems and to institute more coherent economic policies and accelerated reforms. Continued progress in economic development depends primarily upon implementation of a wide range of structural reforms. The per capita gross domestic product (GDP) is about $1,100 per year. Official statistics place 34.4 percent of wage earners in the agricultural sector, and knowledgeable observers estimate that perhaps 3 to 5 percent of those engage in subsistence farming. The annual population increase is 2.1 percent. Adult literacy rates are 63 percent for males and 34 percent for females.

The Government continued to commit numerous serious human rights abuses, although its record again improved somewhat over the previous year, mainly due to a decrease in terrorist activity by Islamic extremists. The ruling NDP dominates the political scene to such an extent that citizens do not have a meaningful ability to change their government.

The Emergency Law, which has been in effect since 1981, continues to restrict many basic rights. The security forces continued to arrest and detain suspected members of terrorist groups. In fighting the terrorists, the security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. In actions unrelated to the antiterrorist campaign, local police killed, tortured, and otherwise abused both criminal suspects and other persons. The Government took disciplinary action against police officers accused of abusing detainees, including prosecution of several offenders, but it did not pursue most cases or seek adequate punishments. In August the public prosecutor reopened and expanded an investigation into police brutality and torture that took place during a 1998 police investigation of a double murder in the largely Coptic village of Al-Kush in Sohag governorate.

Prison conditions remain poor. The Ministry of Interior released more than 1,000 political detainees, bringing the total number of detainees released since 1998 to more than 6,000. The use of military courts to try civilians continued to infringe on a defendant's right to a fair trial before an independent judiciary. During the year, the Government referred 3 cases involving 148 civilian defendants to the military court system. Twenty of these defendants are leaders of the Muslim Brotherhood. They were arrested in October on charges of illegal political activity. Most observers believe that the Government is seeking to block Muslim Brotherhood participation in the elections to professional syndicates and the People's Assembly. The Government used the Emergency Law to infringe on citizens' privacy rights. Although citizens generally express themselves freely, the Government partially restricts freedom of the press. The Government significantly restricts freedom of assembly and association. The Government places restrictions on freedom of religion. Despite difficulties due to an inadequate legal framework and periodic government harassment, a number of local human rights groups are active. Although the Government does not recognize them legally, it allows these groups to operate openly.

Domestic violence against women is a problem. Although the Government enforces the 1996 decree banning the practice of female genital mutilation (FGM), many families persist in subjecting their daughters to the traditional practice. Women and Christians face discrimination based on tradition and some aspects of the law. Terrorist violence against Christians has been a problem in recent years. There were no reports of terrorist attacks against Christians during the year; however, a Chris-

tian priest in Mahalla and a Christian priest in Dairout were attacked by individual extremists. Child labor remains widespread despite government efforts to eradicate it. Abuse by employers continues, and the Government does not enforce the law effectively. The Government limits workers' rights.

In contrast to the previous year, and for the first time in 10 years, there were no reports of terrorist incidents.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, police committed extrajudicial killings, and such killings also may have occurred in certain antiterrorist operations.

In August The Egyptian Organization for Human Rights (EOHR) reported the deaths of five criminal suspects in police custody during the year: Ahmad Mahmoud Mohamed Tammam, Hany Kamal Shawky, Said Sayyed Abd Al-Aal, Hamdy Ahmad Mohamed Ahmad Askar, and Amr Salim Mohamed (see Section 1.c.). The Ministry of Interior responded to the EOHR's inquiry about these cases, and noted that the Public Prosecutor charged a security official with premeditated murder in one instance (see Section 1.c.).

The London-based Islamic Observation Center reported that Mahmoud Agami Muhalhel Muawad died on October 21 in Damanhour prison as a result of poor conditions. Muawad's older brother, Sayyed Agami Muhalhel Muawad, was convicted in absentia in April by a military court and sentenced to 10 years in prison for membership in the terrorist group, the "Jihad Group of Egypt" (see Sections 1.c. and 1.e.). The press reported the following deaths due to police torture: Ahmad Mahmoud Ali Abdallah, who died on November 1 as a result of torture in a Cairo police station; Sharif Abd Al-Galil Sharaf, who died on December 2 after being detained and tortured in a police station in the governorate of Sharkiya; and Mohamed Ahmad Ibrahim, who died after being detained in a police station in Alexandria late in the year (see Section 1.c.).

During the year, the public prosecution referred to court the case of five security officials accused of premeditated murder in the 1998 death in detention of Waheed Al-Sayyid Ahmad. A court date was not set by year's end. The public prosecution took no action on the case of Gamal Mohammed Abdallah Mustafa, who died as a result of police torture in 1998. The public prosecution took no action on the case of a businessman who died in 1997 in the governorate of Galoubiya, reportedly as a result of police torture (see Section 1.c.).

In antiterrorist campaigns, security forces killed four members of the "Islamic Group of Egypt" (IG), including Farid Salim Abdel Qader Kidwani, who was the leader of the IG's military wing. The security forces reportedly raided an IG hideout in Giza on September 7. The four IG members were killed in an exchange of gunfire. On August 1, a resident of Assiyut governorate shot and killed a member of the security forces. The gunman subsequently was shot and killed by security forces. Although there were some reports that this exchange was a terrorist incident, local observers attribute the incident to a dispute over cattle theft. There were no reports of killings of relatives of suspected extremists by security forces in apparent vendettas.

According to press reports, in October a State Security Emergency court began the trial of four members of a terrorist group from the upper (southern) Egyptian city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's. The trial was postponed until December, then later postponed again until February 2000. There was no information available about the identities of the defendants and the specific charges against them (see Sections 1.e. and 5.).

According to reports released by the Land Center for Human Rights, during the year, 64 persons died and 324 were wounded in land disputes, including conflicts over demarcation lines, water rights, and cattle theft. The Land Center also reported 265 arrests related to land disputes. These incidents took place in rural areas, primarily in upper (southern) Egypt.

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

The Human Rights Center for the Assistance of Prisoners reported six new cases of persons who disappeared between 1989 and 1998. The Center learned that 3 of the 19 persons reported missing in 1998 are in prison. The EOHR continues to investigate 30 previously reported disappearances. The EOHR has provided these names to the U.N. Committee on Disappearances, but the Government reportedly has denied any involvement in these cases.

On February 22, an appeals court in Cairo ordered the Ministry of Interior to pay Bahaa Al-Amary, the wife of former Libyan Foreign Minister Mansur Kikhiya, $30,000 (100,000 Egyptian pounds). Kikhiya's family sued the Government following reports that he had been kidnaped from Cairo by Libyan agents, taken to Libya, and executed there in 1994. The court awarded the sum as compensation for the Ministry of Interior's inability to protect a foreign dignitary on Egyptian soil. The Ministry of Interior appealed the decision to the Court of Cassation. The case is pending.

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 is common.

Under the Penal Code, torture of a defendant or giving orders to torture are felonies punishable by temporary hard labor or 3 to 10 years' imprisonment. If the defendant dies, 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. The use of cruelty against persons by relying on one's position is punishable by imprisonment of no more than 1 year or a fine of no more than $65 (125 Egyptian pounds). 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, including statements by government officials, that security forces tortured and mistreated citizens. Reports of torture and mistreatment at police stations remain frequent. According to a newspaper interview published in June, Interior Minister Habib Al-Adly said that human rights were "an important component of state practices," and that he was seeking "to restore the necessary level of security discipline." He stated that it was necessary to restore the confidence of citizens in the "competence" of the security services, and to restore "the positive relationship" between citizens and the security services. In August it was reported in the press that the Public Prosecutor instructed his subordinates to avoid the use of physical or psychological violence during the interrogation of suspects.

However, while the Government has investigated torture complaints in criminal cases and punished some offending officers, the punishments do not conform with the seriousness of the offense. Government officials have stated that administrative punishments can be severe enough to prevent further career advancement, and that some police officers have chosen to face criminal charges instead. The Government has stated that it would not disclose further details of individual cases of police abuse for fear of harming the morale of law enforcement officers involved in counterterrorism operations.

Human rights groups believe that the SSIS continues to employ torture. Torture takes place in SSIS offices, including its headquarters in Cairo, and at Central Security Force camps. Torture victims usually are taken to an SSIS office where they are handcuffed, blindfolded, and questioned about their associations, religious beliefs, and political views. Torture is used to extract information, coerce the victims to end their antigovernment activities, and deter others from such activities.

Egyptian human rights groups and victims reported a number of torture methods that are employed by state security personnel and the police. Detainees frequently are stripped; hung by their wrists with their feet just touching the floor or forced to stand for prolonged periods; doused with hot or cold water; beaten; forced to stand outdoors in cold weather; and subjected to electrical shocks. Some victims, including female detainees, report that they have been threatened with rape.

While the law requires security authorities to keep written records of detained citizens, human rights groups report that such records often are not available, not found, or that the police deny any knowledge of the detainee when inquiries are made about specific cases, effectively blocking the investigation of torture complaints.

In January the Human Rights Center for the Assistance of Prisoners released a report called "The Price of Dignity: Torture in Egypt is a Judicial Reality." The report presents a random sample of 190 cases of torture from the period 1982 to 1997. All of the cases involve a civilian defendant who successfully sued the Ministry of Interior for compensation for torture inflicted by state security forces or police during detention. For the 190 sample cases cited, the Interior Ministry was ordered to pay a total of $260,000 (877,000 Egyptian pounds) in awards ranging from $150 (500 Egyptian pounds) to $10,300 (35,000 Egyptian pounds).

In August the EOHR reported that five criminal suspects died during the year while in police custody, and provided eyewitness accounts of police torture of these persons. According to the EOHR, Hamdy Ahmad Mohamed Askar died on February

16 in Al-Mansoura general hospital, where he had been transferred following detention at a police station in Mansoura Governorate. Said Sayyed Abd Al-Aal died on April 17 in a police station in Giza. Hany Kamal Shawky died on April 21 in a police station in Cairo. Amr Salim Mohamed died on July 17 in a police station in the governorate of Galoubiya. Ahmad Mahmoud Mohamed Tammam died on July 21 in a police station in Giza.

In response to the EOHR's inquiry about these cases, the Ministry of Interior stated that Askar had been transferred to the hospital because of respiratory problems, and noted that the forensics evidence conflicts with eyewitness accounts of Askar's treatment. According to the Ministry, Abd Al-Aal died from circulatory failure in a hospital. The Ministry reported that the Public Prosecutor charged a security official in Cairo with premeditated murder following the death of Shawky. The Ministry stated that a forensic report indicated that Mohamed died from pleural effusion and circulatory failure, and noted that Mohamed's father said that his son was suffering from pneumonia.

The Islamic Observation Center, based in London, reported that Mahmoud Agami Muhalhel Muawad died on October 21 in Damanhour prison "as a result of the deteriorating conditions of Egyptian prisons." Muawad was the younger brother of Sayyed Agami Muhalhel Muawad, who was convicted in absentia in April by a military court and sentenced to 10 years in prison for membership in the terrorist group the Islamic Jihad of Egypt (see Sections 1.a. and 1.e.). The press reported that Ahmad Mahmoud Ali Abdallah was arrested on October 30 and died on November 1 at the Rod Al-Farag police station in Cairo from torture. Abdallah's family claimed that the police forced them to bury his body, which revealed evidence of torture. In December the press reported that 16-year-old Mohamed Ahmad Ibrahim died after police tortured him in the Al-Raml police station in Alexandria. Ibrahim's family complained to the office of the public prosecutor about bruises on their son's body. The press also reported that police in Minya Al-Kamh in the governorate of Sharikiya tortured to death Sharif Abd Al-Galil Sharaf. Sharif reportedly was arrested on November 13 and beaten so badly that he fell into a coma. He was taken to a hospital where he died on December 2.

In May the Public Prosecutor in Sohag announced that the medical evidence did not support allegations of police torture and mistreatment of 15 suspects from the village of Al-Kush in the governorate of Sohag in 1998 (see Sections 2.a., 2.c., and 4). The Sohag Public Prosecutor dismissed the charges against the police officers. The 15 suspects were detained during a 1998 murder investigation and subsequently filed an official complaint. There was no evidence to substantiate a newspaper report that the Government compensated the four implicated officers, and the minister of Interior denied the report. The officers were transferred during the investigation and have not been reassigned to Al-Kush. In August the newly appointed national Public Prosecutor reopened and expanded the investigation of police conduct in Al-Kush. According to the EOHR and other groups, during the incident, the police detained hundreds of citizens, including relatives of suspects, women, and children. Local observers reported that police tortured and mistreated dozens of these detainees. The public prosecution is interviewing 989 Al-Kush residents about the incident.

During the year the public prosecution referred to court the case of five security officials accused of premeditated murder in the 1998 death of Waheed Al-Sayyid Ahmad, who allegedly died as a result of police torture. A court date was not set by year's end. The public prosecution took no action on the case of Gamal Mohammed Abdallah Mustafa, who died as a result of police torture in 1998. The public prosecution took no action on the case of a businessman who died in 1997 in the governorate of Galoubiya, reportedly as a result of police torture. The public prosecution continued to investigate the torture of Mohammed Badr Al-Din Gomah in 1996 by 13 members of the Alexandria police force. The appeal of a 1-year sentence of a police officer convicted of engaging in torture in 1994 is pending.

A December 31 dispute escalated into violent exchanges between Christians and Muslims in the south (see Section 5.).

Prison conditions remain poor. Government authorities reported the renovation or construction of 14 prisons during the past 5 years. Nonetheless, human rights groups report that overcrowding and unhealthy conditions continue. Cells are poorly ventilated, food is inadequate in quantity and nutritional value, drinking water often is polluted, and medical services are insufficient. These conditions contribute to the spread of disease and epidemics. The use of torture and mistreatment in prisons continues to be common.

In August the Public Prosecutor ordered his subordinates to visit prisons under their jurisdiction randomly at least once a month. He also instructed them to in-

spect prison records and to investigate complaints raised by prisoners. Inspections began after the announcement.

Relatives and lawyers often are unable to obtain access to prisons for visits. Prisons in Abu Zaabal, Tora, and Al-Fayoum remain closed to visits. In response to 10 separate cases filed by the Human Rights Center for the Assistance of Prisoners, an administrative court issued 10 rulings on December 14, directing the Interior Ministry to open the Tora prison to visits. The Center has filed 33 additional cases within the past 2 years requesting visits to other closed prisons. These cases are pending before the court. However, human rights groups report that visits have been refused at several prisons. At others restrictions have been placed on visits to prisoners incarcerated for political or terrorist crimes, limiting the number of visits allowed each prisoner, and the total number of visitors allowed in the prison at any one time.

In principle human rights monitors are allowed to visit prisoners in their capacity as legal counsel; however, in practice they often face considerable bureaucratic obstacles that prevent them from meeting with prisoners. The Government does not permit the International Committee of the Red Cross (ICRC) to visit prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—As part of the Government's antiterrorist campaign, security forces conducted mass arrests and detained hundreds of individuals without charge. Police also at times arbitrarily arrested and detained persons. Under the provisions of the Emergency Law, which has been in effect since 1981, 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 nullifies 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.

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 occur 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. These provisions broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

During the year, security forces and police arrested at least 249 persons allegedly associated with the Muslim Brotherhood, an Islamist opposition organization. In August security forces arrested about 2 dozen students at Cairo and Zagazig Universities who were suspected of Muslim Brotherhood membership. The EOHR alleged that the security forces harass politically affiliated students at the beginning of each academic year (see Section 2.a.). In October and November, security forces arrested 26 alleged members of the Muslim Brotherhood in the Delta region and 8 in Minya. Four more suspected members were arrested in Qena in December. An unknown number of Muslim Brotherhood members who were arrested during the year reportedly were released later.

On October 20, security forces arrested and detained 20 professional leaders of the Muslim Brotherhood and accused them of membership in an illegal group and incitement against the Government. The Government referred the case to the military courts. The first hearing was held on December 25 and the next was scheduled for January 12, 2000. The arrests and trial before the military courts coincided with preparations for elections to the boards of professional syndicates and to the People's Assembly (see Section 1.e.).

In January Mahmoud Mohamed was arrested and detained for more than 30 days by security forces after he sent a telegram to President Mubarak asserting that he would not support Mubarak in the presidential referendum held in September. After the media publicized the story, Mubarak ordered Mohamed's release.

In March six members of the Tagammu opposition party were arrested by security forces, following a meeting in Cairo, for possessing pamphlets that criticized the draft labor law. Three of the six were released immediately; the other three were questioned and released after they paid bail (see Sections 2.a. and 6.a.). Also in March, Fathy Abu Al-Ezz was detained briefly for publishing an article in a company newspaper that explained why he would not vote for President Mubarak (see Section 2.a.). In October state security forces arrested Fathy Al-Masri and detained him for over 15 days for possessing a pamphlet that criticized the prohibition of

medical services in a nonemergency situation by a hide tanning company. He was released in November (see Sections 2.a. and 6.e.).

There were a few unconfirmed reports that several converts to Christianity were subjected to harassment by the security services, including temporary detention (see Section 2.c.).

Human rights groups reported that hundreds, and according to one report, thousands, of persons detained under the Emergency Law have been incarcerated for several years without charge. The courts have ordered the release of several of these detainees, but prison officials reportedly have ignored the orders. The Ministry of Interior frequently reissues detention orders to return detainees to prison. In April the Ministry of Interior reported that it had released 1,200 political detainees described as "repentant extremists." This group included persons who had served their sentences but had remained in detention, and persons who had never been charged or tried. The release brought the total number of detainees released in the past 2 years to more than 6,000. Following the releases, revised prison population estimates indicate that there are 10,000 prisoners who are registered and serving sentences and approximately 12,000 political detainees.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—The judiciary is independent; however, cases involving national security or terrorism may be handled by military or State Security Emergency courts, in which constitutional protections may not be observed. The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges and chaired by the president of the Court of Cassation. The Council regulates judicial promotions and transfers. In the last few years, the Government has added lectures on human rights and other social issues to its training courses for prosecutors and judges.

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.

The judicial system is based on the Napoleonic tradition; hence, there are no juries. Misdemeanors that are punishable by imprisonment are heard at the first level by one judge and at the second level by three judges. Felonies that are punishable by imprisonment or execution are heard in criminal court by three judges. Appeals of rulings are heard by the Court of Cassation.

A lawyer is appointed at the court's expense if the defendant does not have one. The appointment of lawyers is based on a roster chosen by the bar association; however, expenses are incurred by the State. Any denial of this right is grounds for appeal of the ruling. However, detainees in certain high security prisons alleged 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, although in practice no women serve as judges (see Section 5).

Defense lawyers generally agree that the regular judiciary respects the rights of the accused and exercises its independence. In the past, criminal court judges have dismissed cases in which confessions were obtained by coercion. However, while the judiciary generally is credited with conducting fair trials, under the Emergency Law, cases involving terrorism and national security may be tried in military or State Security Emergency courts, in which the accused do not receive all the constitutional protections of the civilian judicial system.

In 1992 following a rise in extremist violence, the Government began trying cases of persons 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 has deprived hundreds of civilian defendants of their constitutional right to be tried by a civilian judge.

The Government defends the use of military courts as necessary in terrorism cases, maintaining that trials in the civilian courts are protracted and that civilian judges and their families are vulnerable to terrorist threats. Some civilian judges have confirmed their fear of trying high visibility terrorism cases because of possible reprisal. The Government claims that civilian defendants receive fair trials in the military courts and enjoy the same rights as defendants in civilian courts.

However, the military courts do not ensure civilian defendants due process before an independent tribunal. While military judges are lawyers, they are also military officers appointed by the Minister of Defense and subject to military discipline. They are not as independent or as qualified as civilian judges in applying the civilian Penal Code. There is no appellate process for verdicts issued by military courts; in-

stead, verdicts are subject to a review by other military judges and confirmation by the President, who in practice usually delegates the review function to a senior military officer. Defense attorneys have complained that they have not been given sufficient time to prepare defenses and that judges tend to rush cases involving a large number of defendants.

During the year, the Government referred three groups of civilian defendants to the military courts. A military court tried 107 suspected members of the Jihad group in Egypt. Of these defendants, known as the "Returnees from Albania," 60 were tried in absentia. On April 18 the court sentenced nine defendants to death; all nine were tried in absentia and are believed to reside outside of Egypt. The court also sentenced 11 to life imprisonment at hard labor and 67 to prison sentences ranging from 1 to 15 years. The court acquitted 20 defendants. In the second case, a military court tried 21 suspected members of the Islamic Group in Egypt. On June 17, the court sentenced 1 defendant to life imprisonment, and 19 defendants to prison sentences ranging from 5 to 25 years. One defendant was acquitted. On October 27, the state security prosecutor announced that a third case involving 20 professional leaders of the Muslim Brotherhood would be referred to a military court. The Muslim Brotherhood leaders were arrested on October 20 and charged with belonging to an illegal group. The first hearing was held on December 25 and the next was scheduled for January 12, 2000. The arrests and trial before the military courts coincided with preparations for elections to the boards of professional syndicates and to the People's Assembly (see Section 1.d.).

The State Security Emergency courts share jurisdiction with military courts over crimes affecting national security. The President appoints judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice and, if he chooses to appoint military judges, the Minister of Defense. Sentences are subject to confirmation by the President but may not be appealed. The President may alter or annul a decision of a State Security Emergency court, including a decision to release a defendant.

On March 8, the State Security Emergency courts issued judgments in 2 cases involving 26 defendants who were charged with terrorist acts. One case involved 24 members of the Islamic Group; the second involved 2 members of the group known as "Redeemed from Hell." A third trial, involving 14 Islamic Group members before a State Security Emergency court, began in July, resumed December 17, then was postponed until February 2000. According to press reports, in October a State Security Emergency court began the trial of four members of a terrorist group from the upper (southern) city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's. The trial was postponed until December, then again until February 28, 2000. There was no information available about the identities of the defendants and the specific charges against them (see Sections 1.a. and 5).

There are no reliable statistics on the numbers of political prisoners, but the total may approach 100; observers estimate that the number of political detainees may be in the thousands (see Section 1.d.).

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

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 exercises this authority sporadically (also 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 restricts these rights. Citizens openly speak their views on a wide range of political and social issues, including vigorous criticism of the Government.

The Government owns stock in the three largest daily newspapers, and the President appoints their editors-in-chief. Although these newspapers generally follow the

government line, they frequently criticize government policies. The Government also enjoys 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. The newspaper Al-Dustur, which in 1998 lost its government permission to print, ceased to exist.

Opposition political parties publish their own newspapers but receive a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most newspapers are weeklies, with the exception of the dailies Al-Wafd, Al-Araby, and Al-Ahrar, and the semiweekly of the Islamist-oriented Socialist Labor Party, Al-Shaab. All have small circulations. Opposition newspapers frequently publish criticism of the Government. They also give greater prominence to human rights abuses than the state-run newspapers. All party newspapers are required by law to reflect the platform of their party. In September the Government rejected a request by the Arab Egypt Socialist opposition party to reissue the party newspaper, Misr. The Government cited the party's failure to publish the newspaper continuously.

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 maximum of 10 percent on individual ownership. In January 1998, the People's Assembly approved a law that requires newspapers managed by joint stock companies to obtain the approval of the Prime Minister prior to publishing. Given government restrictions, a joint stock company is the only feasible incorporation option for publishers. In February the Government revoked the license of the newspaper Sawt Al-Umma, citing the publisher's violations of joint stock company regulations. In July a publisher contested before an administrative court the Prime Minister's refusal to act on his request for approval of a joint stock company formed to publish the newspaper Al-Karama. Also in July, a higher court upheld a lower court's decision to withdraw a license from the publisher of Al-Siyasa, ruling that the publisher is a limited liability company, not a joint stock company.

The Press Law, the Publications Law, and the Penal Code govern press issues. The Penal Code stipulate fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Supreme Constitutional Court agreed in November 1998 to review the constitutionality of those articles of the Penal Code that specify imprisonment as a penalty for journalists convicted of libel. The case is pending. In October the Public Prosecutor charged editor Mohamed Hassan Al-Banna and journalist Fouad Fawaz of the weekly newspaper Al-Khamis with insulting Libya's leader, Mu'ammar Al-Qadhafi. A court date has not yet been set.

Because of the difficulties in obtaining a license in Egypt, several publishers of newspapers and magazines developed for the Egyptian market have obtained a foreign license. Most of these publications are printed in the free trade zone. Those newspapers and magazines published under a foreign license may be distributed with government permission. However, the Department of Censorship in the Ministry of Information has the authority to censor or halt distribution of publications printed in the free trade zone under a foreign license. During the year, the Ministry censored several articles of the English-language weekly, the Middle East Times. The Government continues to refuse to grant a visa to the weekly's publisher, Thomas Cromwell, but cited reasons unrelated to his position as a journalist for the action. The Ministry also prohibited distribution of one edition of the English-language biweekly, the Cairo Times. During the year the Center for Human Rights and Legal Assistance organized a legal challenge to the constitutionality of the Information Ministry's censorship of these publications. The Supreme Constitutional Court has agreed to hear the case, but had not yet set a court date by year's end.

The Press and Publication Laws ostensibly provide protection against malicious rumor-mongering and unsubstantiated reporting. Financial penalties were increased substantially in 1996 when relevant provisions of the Penal Code were revised, but the judicial process remains long and costly, creating a bar to realistic legal recourse for those wrongly defamed. In recent years, opposition party newspapers have, within limits, published articles critical of the President and foreign heads of state without being charged or harassed. The Government continues to charge journalists with libel.

In 1996 the People's Assembly approved a revised Press Law following criticism of a more restrictive revision that had been approved in 1995. The People's Assembly also revised certain articles in the Penal Code pertaining to libel and slander. In addition in 1997 the supreme Constitutional Court declared unconstitutional Article 195 of the Penal Code under which an editor in chief could have been considered criminally responsible for libel contained in any portion of the newspaper. The

Court ruled that the correct standard of responsibility should be "negligence." This lesser standard subsequently was applied by the courts.

In August a criminal court convicted three journalists from the opposition daily newspaper Al-Shaab of libeling Youssef Wally, Deputy Prime Minister and Minister of Agriculture. Editor in chief Magdy Hussein, reporter Salah Bedewi, and cartoonist Essam Hanafi were sentenced on August 14 to 2 years in prison and each fined $6,000 (20,000 Egyptian pounds). A fourth Al-Shaab journalist, Adel Hussein, was convicted of libel and fined the same amount. On December 5, the Court of Cassation ordered a retrial of the case before a different circuit of the criminal court. The sentences against all four were suspended and, on December 6, the Public Prosecutor ordered the release of the three detained defendants. The date for the new trial was not set by year's end.

The courts acquitted seven journalists in six cases during the year. In three cases involving four journalists, the courts fined each $3,000 (10,000 Egyptian pounds). In September journalist Ashraf Ayoub of the Ahali weekly newspaper was sentenced in absentia for libel to 1 year's imprisonment. Ayoub's defense is appealing the conviction.

According to statistics compiled by the EOHR during the year, and covering the period from the enactment of the 1996 Press Law through July, the Public Prosecutor has referred 117 cases to a court of misdemeanors, 55 cases to a criminal court, and 3 cases to a military court. Of these, 52 are pending. Of those adjudicated, 4 resulted in prison sentences.

On occasion, based on authority granted to him by law, the Public Prosecutor may issue a temporary ban on the publication of news pertaining to cases involving national security and order so as 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. In May the Public Prosecutor banned publication of news related to the case of an employee of the Ministry of Culture accused of embezzlement and corruption. The Public Prosecutor also temporarily banned news related to an investigation of vice among movie actresses.

On April 7, the People's Assembly approved several restrictive amendments to the Law of Public Mobilization, which was enacted in 1960. The amendments increase the penalties applicable to individuals who disclose information about the State during emergencies, including war and natural disasters. The new penalties include fines up to $1,700 (6,000 Egyptian pounds) and prison sentences up to 3 years. The EOHR characterized the change as an additional obstacle to freedom of information.

In 1998 the People's Assembly approved a law that prohibits current or former members of the police from publishing work-related information without prior permission from the Interior Minister.

In March Fathy Abu Al-Ezz was detained by state security following publication in a company newsletter of an article written by Abu Al-Ezz that explained why he would not vote for President Mubarak in the presidential referendum held in September. He was released after paying bail in the amount of $60 (200 Egyptian pounds).

In December 1998, a state security prosecutor charged EOHR secretary-general Hafez Abu Se'da and EOHR attorney Mustafa Zidane with violating Article 102 of the Penal Code, which relates to deliberate dissemination of false information or inflammatory propaganda that harms public security or public interests. The charges were based on an EOHR report that was critical of police conduct during a 1998 murder investigation in Sohag. Abu Se'da also was charged with accepting foreign funds without government permission. The state security prosecutor alleged that the EOHR had accepted $25,000 from the British Embassy in Cairo to publish the critical report. In fact, the money was provided by the British Embassy on behalf of the Human Rights Committee in the British House of Commons to support a women's legal aid project begun in 1995. The British Government had been supporting this EOHR project since 1996. On December 25 and 26, the state security prosecutor questioned EOHR chairman Abdel Aziz Mohamed about the organization's use of the British money. The outstanding charges against Abu Se'da and Zidane have not been dropped (see Sections 1.d., 2.c., and 4).

Various ministries legally are authorized to ban or confiscate books and other works of art upon obtaining a court order. The Islamic Research Center at Al-Azhar University has legal authority to censor, but not to confiscate, all publications dealing with the Koran and Islamic scriptural texts. In recent years the Center has passed judgment on the suitability of nonreligious books and artistic productions. During the year, the Center ruled in favor of distribution of the book "My Father Adam: The Story of the Creation Between Legend and Reality," written by Abdel Sabour Shahine. However, an Islamist lawyer sued the Sheikh of Al-Azhar and sev-

eral other senior Islamic figures in an effort to block publication of the book. The trial was set for January 20, 2000.

The Ministry of Information owns and operates all domestic television and radio stations. The Government refuses to license private broadcast stations or to privatize the State's broadcast media. In addition to public television, the Government also offers several pay-for-view television channels. Government control and censorship of the broadcast media is significant.

In 1995 an administrative court ruled that the sole authority to prohibit publication or distribution of books and other works of art resides with the Ministry of Culture. This decision invalidated a 1994 advisory opinion by a judiciary council that had expanded Al-Azhar's censorship authority to include visual and audio artistic works. The same year, President Mubarak stated that the Government would not allow confiscation of books from the market without a court order, a position supported by the then-Mufti of the Republic, who is now the Grand Imam of Al-Azhar.

There were no court-ordered confiscations during the year. An appeal to the Court of Cassation by author Ala'a Hamed is pending. Hamed previously was convicted for the alleged pornographic content of his book "The Bed."

The Ministry of Interior regularly confiscates leaflets and other works by Muslim fundamentalists and other critics of the State. In March six members of the Tagammu opposition party were arrested by security forces following a meeting in Cairo to discuss opposition to draft labor legislation. They were charged with possessing publications that disturb public order and security. (They were carrying pamphlets criticizing the draft labor law.) Three of the six members were released immediately. The other three were questioned and released following payment of bail in the amount of $170 (500 Egyptian pounds) each (see Sections 1.d. and 6.b.). In October security forces detained Fathy Al-Masri for over 15 days for possession of a pamphlet called "The Right to Medical Services in a Nonemergency Situation." He was charged with possessing publications that disturb public order and security. Al-Masri was protesting the medical policy of a private company. He was released in November (see Sections 1.d. and 6.e.).

The Ministry of Interior also has the authority, which it exercises sporadically, to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (also 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.

Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions. However, many plays and films that are highly critical of the Government and its policies are not censored. The Ministry of Culture also censors foreign films that are to be shown in theaters, but it is more lenient when the same films are released in video cassette format. Government censors ensure that foreign films made in Egypt portray the country in a favorable light. Censors review scripts before filming, are present during filming, and have the right to review the film before it is sent out of the country.

An appeals court is scheduled to review in February 2000 the case against the film "Birds of Darkness." The plaintiffs charge that it is insulting to lawyers. Two related cases against the movie were dropped in 1997.

Moderate Muslims and secularist writers still are subject to legal action by Islamic extremists. Cairo University professor Nasr Abu Zeid and his wife continue to live abroad following the 1996 Court of Cassation ruling that affirmed lower-court judgments that Abu Zeid is an apostate because of his controversial interpretation of Koranic teachings. However, the Supreme Constitutional Court agreed in 1998 to review the constitutionality of the 1996 ruling. No court date had been set by year's end. The definition of appropriate books for class use, library use, or sale in the university bookstore continued to be debated at the American University of Cairo.

The Government does not restrict directly academic freedom at universities. However, some university professors claim that the Government tightened its control over universities in 1994 by a law authorizing university presidents to appoint the deans of the various faculties. Under the previous law, faculty deans were elected by their peers. The Government has justified the measure as a means to combat Islamist influence on campus. The EOHR alleged that security forces harass politically affiliated students at the beginning of each academic year.

b. *Freedom of Peaceful Assembly and Association.*—The Government significantly restricts freedom of assembly. Under a 1923 law, citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. The Interior Ministry selectively obstructs meetings scheduled to be held on private property and university campuses (also see Section 4).

During the year the Government prohibited the Cairo Institute for Human Rights from holding a conference on the subject of human rights in the Arab world. The Government also prohibited the Association for the Independence of the Judiciary from holding a conference on the subject of the future of the judiciary in the Arab world (see Section 4).

The Government significantly restricts freedom of association. In June the Government approved a new law pertaining to the formation, function, and funding of nongovernmental organizations (NGO's) and private foundations. On November 28, the Minister of Social Affairs issued the executive regulations to the law, and asserted that the regulations reflect the Government's commitment to support civil society. The regulations, which are to govern implementation of the law, specify a wide range of permissible NGO activities, including in the area of human rights. They also facilitate registration of NGO's and the receipt of financial donations. However, critics charge that the law and regulations place unduly burdensome restrictions on NGO's. Observers claim that it is too soon to assess the implementation of the law and its impact on NGO's.

Since 1985 the Government has refused to license the Egyptian Organization for Human Rights and the Arab Organization for Human Rights (AOHR) on grounds that they are political organizations. Nevertheless, in general both continue to operate openly (see Section 4). Following approval of the new NGO law, the Government stated that it would award a license to the EOHR. By year's end, the EOHR had not applied for status as an NGO under the new law. Under 1993 legislation on professional syndicates, an association must elect its governing board by at least 50 percent of its general membership. 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 impossible, the judiciary may appoint a caretaker board until new elections can be set. The law was adopted to prevent well-organized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of these 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. In October the Court of Cassation upheld an earlier court decision to lift the government sequestration of the bar syndicate.

c. *Freedom of Religion.*—The Constitution provides for freedom of belief and the practice of religious rites; however, the Government places clear restrictions on this right. Most Egyptians are Sunni Muslims. Approximately 10 percent of the population, numbering more than 6 million persons, belong to the Coptic Orthodox Church. There are other small Christian denominations, as well as a Jewish community that numbers approximately 200 persons. For the most part, members of the non-Muslim minority worship without harassment and maintain links with coreligionists abroad.

Under the Constitution, Islam is the official state religion and primary source of legislation. Accordingly, religious practices that conflict with Islamic law are prohibited. In most matters of family law, including marriage, divorce, alimony, and child custody, Christians are subject to canon law. In cases of family law disputes involving a marriage between a Christian woman and a Muslim man, Islamic law applies. The children of such marriages must be raised as Muslims. Muslim women are prohibited from marrying Christian men.

While neither the Constitution nor the Civil and Penal Codes prohibit proselytizing, Christians who proselytize have been arrested on charges of violating Article 98f of the Penal Code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife. There were no such reports during the year; however, one Christian who was engaged in proselytizing activities was detained briefly by state security forces. Some Christians complained that the Government is lax in protecting Christian lives and property (see Section 5).

There are no legal restrictions on the conversion of non-Muslims to Islam. However, Muslims may face legal problems if they convert to another faith. In the past, authorities have charged a few Muslim converts to Christianity under article 98f of the Penal Code. There were no reports of such arrests during the year; however, there were a few unconfirmed reports that several converts to Christianity were subjected to harassment by the security services, including temporary detention.

In other cases involving conversion from Islam to Christianity, authorities have charged 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. There were no confirmed reports of individuals detained or charged under these laws during the year. In 1997 human rights activist Mamdouh Naklah filed suit seeking removal of the religious affiliation category from identification cards. The court re-

ferred the case to the state commissioner's office, which has not yet issued an opinion.

An 1856 Ottoman decree still in force requires non-Muslims to obtain what is now a presidential decree to build a place of worship. In addition, Interior Ministry regulations issued in 1934 specify a set of 10 conditions that the Government must consider prior to issuance of a presidential decree permitting construction of a church. These conditions include the location of the proposed site, the religious composition of the surrounding community, and the proximity of other churches. The Ottoman decree also requires the President to approve permits for the repair of church facilities. In response to strong criticism of the decree, President Mubarak in 1998 delegated to governors the authority to approve permits for the repair of church facilities. In December the President acted again and issued a new decree that made the repair of all places of worship subject to a 1976 civil construction code. This decree, which superseded the decree issued in 1998, is significant because it places churches and mosques on equal footing before the law, and in intended to facilitate church repairs. However, notwithstanding these initiatives, the approval process for church construction and repair remains time-consuming and insufficiently responsive to the wishes of the Christian community. Although President Mubarak has approved all requests for permits that have been presented to him (reportedly a total of more than 250 during his 18-year tenure), Christians maintain that the Interior Ministry delays—in some instances indefinitely—submission to the President of their requests. They also maintain that security forces have blocked them from utilizing permits that have been issued.

During the 1990's, the Government increased the number of building permits issued to Christian communities to an average of more than 20 per year, compared with an average of 5 permits issued annually in the 1980's. During the year, the Government approved 39 permits for church-related construction, including 2 permits for the construction of a new church, 34 permits for churches previously constructed without authorization, and 3 permits for the construction of additional church facilities. The Government reported that governors issued more than 200 permits for church-related repair during the year. However, the Government was unable to provide a breakdown by governorate; unofficial reports from the governorates vary. In January 1996, human rights activist Mamdouh Naklah filed suit challenging the constitutionality of the Ottoman decree. In 1998 an administrative court referred Naklah's case to a state body of legal experts. This decision was considered a setback, as the body is not required to issue an opinion expeditiously and its opinions are not binding. The body had not issued an opinion in the case by year's end. As a result of these restrictions, some communities use private buildings and apartments for religious services.

In 1952 the Government seized approximately 1,500 acres of land from the Coptic Orthodox Church and transferred title to the Ministry of Awqaf, which is responsible for administering religious trusts. In 1996 Awqaf Minister Hamdy Zaqzouq established a committee to address the issue. Based on the committee's recommendations, more than 800 acres have been returned to the Church since 1996. The committee continues to study the return of the remaining disputed property.

The Government continued its efforts to extend legal controls to all mosques, which by law must be licensed. The Government appoints and pays the salaries of the imams who officiate in mosques, and proposes themes for and monitors sermons. In September the Awqaf minister announced that the Government now controls 46,000 mosques and 12,000 zawaya ("corner" mosques, or mosques located within a multipurpose building). In an effort to combat Islamic extremists, the Government has announced its intention to bring all unauthorized mosques under its control by 2000. There are an estimated 70,000 mosques.

In July a state security court in Alexandria convicted 14 persons of heresy against Islam. The lead defendant, Mohamed Ibrahim Mahfouz, was sentenced to 5 years in prison for claiming that he speaks directly to God and is at times transformed into God or the Prophet Mohamed. Seven of his followers were sentenced to 3 years in prison. Six of his followers were sentenced to 1 year in prison. Five other defendants were acquitted.

On November 11, the state security prosecutor arrested 50 persons in Cairo suspected of heresy against Islam. On November 15, the state security prosecutor released 30 of the detainees and is investigating charges of heresy against Islam and insulting Islam against the remaining 20. The lead defendant, a woman named Manal Wahid Mana'a, is accused of attempting to establish a new Islamic sect. She claims that the Prophet Mohamed speaks to her.

In August the Public Prosecutor reopened and expanded an investigation into police torture of mostly Christian detainees that took place during a 1998 police investigation of a double murder in the largely Coptic village of Al-Kush in Sohag

governorate. The trial of Shayboub William Arsal, the man accused of murdering two Al-Kush residents in August 1998, began during the year. A court conducted hearings on the case on December 4 and 6. The next hearing was scheduled for January 2000. Related charges of witness tampering raised by the public prosecution in 1998 against Bishop Wisa and Arch-Priest Antonius have not been dropped.

In 1960 Baha'i institutions and community activities were banned by presidential decree and all community properties, including Baha'i centers, libraries, and cemeteries, were confiscated. The ban on Baha'i institutions has never been rescinded.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens and foreigners are free to travel within Egypt 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. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel; married women require the same permission from their husbands. Citizens who leave the country have the right to return.

The Constitution provides for the grant of political asylum and prohibits the extradition of political refugees. There were no reports of the forced return of persons to a country where they feared persecution. Egypt grants first asylum for humanitarian reasons or in the event of internal turmoil in neighboring countries. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). Asylum seekers generally are screened by UNHCR representatives, whose recommendations regarding settlement are forwarded to the Ministries of Interior and Foreign Affairs for final determination. The Government permits accepted refugees to live and work in Egypt, but not to acquire citizenship, except in rare cases. During the year, the Government accepted approximately 6,400 persons, including more than 2,500 Somalis and 2,400 Sudanese. Although there is no pattern of abuse of refugees, the Government temporarily detained during random security sweeps some refugees who earlier had been accorded protection status. Following intervention by the UNHCR, the refugees were released.

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

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

In September 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. The referendum followed the constitutionally-mandated nomination by the People's Assembly. Under the Constitution, the electorate is not presented with a choice among competing presidential candidates.

More than 100 losing candidates in the fall 1995 legislative elections filed complaints in the administrative courts, alleging ballot-rigging and other irregularities. The courts agreed with most of these claims. Although the judiciary has the authority to determine whether or not irregularities took place, it does not have the authority to remove an elected member of the People's Assembly, a right that the Assembly claims solely for itself, citing the concept of parliamentary sovereignty. The Assembly did not call for any new by-elections in response to the courts' judgments.

The People's Assembly debates government proposals, and members exercise their authority to call cabinet ministers to explain policy. The executive initiates almost all legislation. Nevertheless, the Assembly maintains the authority to challenge or restrain the executive in the areas of economic and social policy, but it may not modify the budget except with the Government's approval. The Assembly exercises limited influence in the areas of security and foreign policy, and retains little oversight of the Interior Ministry's use of Emergency Law powers. Many executive branch initiatives and policies are carried out by regulation through ministerial decree without legislative oversight. The military budget is prepared by the executive and not debated publicly. Roll-call votes in the Assembly are rare. Votes generally are reported in aggregate terms of yeas and nays, and thus constituents have no independent method of checking a member's voting record.

The Shura Council, the upper chamber of Parliament, has 264 members. Two-thirds of the members are elected popularly and one-third are appointed by the President. One half of the Shura seats are up for reelection or reappointment every 3 years. In 1998 the NDP won all 88 seats up for election. One Coptic Christian, from Alexandria, won a seat. The President made 47 appointments (including an additional 3 over the 44 open seats to replace deceased members). Those appointed included nine women, eight Coptic Christians, and two members of opposition parties.

There are 13 recognized opposition parties. The law empowers the Government to bring felony charges against those who form a party without a license. New parties must be approved by the Parties Committee, a semiofficial body that includes a substantial majority of members from the ruling NDP and some members from among the independent and opposition parties. Decisions of the Parties Committee may be appealed to the civil courts. During the year the Committee refused the applications of three parties. These rejected parties filed an appeal of the Committee's decision. Three other applications are pending before the committee. During the year, a court rejected six of eight pending appeals by parties whose applications previously were denied, including the appeal of the Egyptian Wasat party. Two appeals still are pending.

According to the law, which prohibits political parties based on religion, the Muslim Brotherhood is an illegal political organization. Muslim Brothers are known publicly and openly speak their views, although they do not explicitly identify themselves as members of the organization. They remain subject to government pressure (see Section 1.d.). Some have served in the Assembly as independents or as members of other recognized parties.

Women and minorities are underrepresented in government and politics. The Constitution reserves 10 Assembly seats for presidential appointees, which the President traditionally has used to assure representation for women and Coptic Christians. Five women but no Copts were elected in 1995; of the 10 presidential appointments, 6 were Copts and 4 were women. The ruling NDP nominated no Coptic candidates in the 1995 parliamentary elections. Two women and 2 Copts serve among the 32 ministers in the Cabinet.

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

The Government has refused to license local human rights groups as private entities under Law 32 of 1964 (see Section 2.b.). Since the EOHR's establishment in 1986, the Government has refused to license the organization on the grounds that it is a political organization and duplicates the activities of an existing, although moribund, human rights group. However, in June the Government approved a controversial new law pertaining to the formation, functioning, and funding of nongovernmental organizations and private foundations (see Section 2.b.). In November the Minister of Social Affairs issued executive regulations to the new law. These regulations, which are to guide implementation of the new law, explicitly cite human rights as a permissible NGO activity. However, critics charge that the law and regulations place unduly burdensome restrictions on NGO's. The Government also announced its intention to license the EOHR; however, the EOHR did not apply for status as an NGO under the new law by year's end.

On December 25 and 26, the state security prosecutor questioned EOHR chairman Abdel Aziz Mohamed about charges brought by the state security prosecutor in 1998, following the EOHR's publication of a report critical of police conduct in the village of Al-Kush in Sohag governorate (see Sections 1.c., 2.a., and 2.b.). The charges included allegations that Abu Se'da accepted foreign funds without government permission. The state security prosecutor alleged that the EOHR had accepted $25,000 from the British Embassy in Cairo to publish the critical report. In fact, the money was provided by the British Embassy on behalf of the Human Rights Committee in the British House of Commons to support a women's legal aid project begun in 1995. The British Government had been supporting this EOHR project since 1996. The state security prosecutor has not dropped the outstanding charges against Abu Se'da and EOHR attorney Mustafa Zidane.

The AOHR, the EOHR's parent organization, has a longstanding request for registration as a foreign organization with the Ministry of Foreign Affairs. The Ministry has not approved the request thus far, stating that the issue is dependent on the outcome of efforts within the league of Arab states to establish a human rights body.

Despite years of nonrecognition, the EOHR and other groups sometimes obtain the cooperation of government officials. The Government allows EOHR field workers to visit prisons in their capacity as legal counsel, to call on some government officials, and to receive funding from foreign human rights organizations. However, many local and international human rights activists have concluded that government restrictions on NGO activities have inhibited significantly reporting on human rights abuses.

During the year the Government prohibited the Cairo Institute for Human Rights from holding a conference on the subject of human rights in the Arab world. The Government also prohibited the Association for the Independence of the Judiciary from holding a conference on the subject of the future of the judiciary in the Arab

world. On occasion, human rights organizations have found requests for conference space turned down for "security reasons" or reservations later canceled for "maintenance reasons." Other human rights organizations registered as corporations to avoid the obstacles posed by Law 32 (see Section 2.b.).

Section 5. Discrimination Based on Race, Sex, Religion, 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 discriminate against women and Christians.

Women.—Domestic violence against women is a significant problem and is reflected in press accounts of specific incidents. According to a national study conducted in 1995 as part of a comprehensive demographic and health survey, one of every three women who have ever been married has been beaten at least once during marriage. Among those who have been beaten, less than half have ever sought help. Smaller, independent studies confirm that wife-beating is common. In general, neighbors and extended family members intervene to limit incidents of domestic violence. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely is discussed publicly. Spousal abuse is grounds for a divorce, but the law requires the plaintiff to produce eyewitnesses, a difficult condition to meet. Several NGO's offer counseling, legal aid, and other services to women who are victims of domestic violence. These activists believe that in general the police and the judiciary consider the "integrity of the family" more important than the well-being of the woman. The Ministry of Insurance and Social Affairs runs more than 150 family counseling bureaus nationwide, which provide legal and medical services.

The punishment for rape ranges from 3 years in prison to life imprisonment at hard labor, and the Government prosecutes rapists. If a rapist is convicted of abducting his victim, he is subject to execution; however, there were no reports of the execution of rapists. During the year, the Government abolished an article of the Penal Code that permitted a rapist to be absolved of criminal charges if he married his victim. However, marital rape is not illegal. Although reliable statistics regarding rape are not available, activists believe that it is not uncommon, despite strong social disapproval. When "honor killings" (a man murdering a female relative for her perceived lack of chastity) occur, perpetrators generally receive lighter punishments than those convicted in other cases of murder.

Prostitution and sex tourism are illegal, but known to occur.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminate 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 of any age require the same permission from their husbands (see Section 2.d.). Only males may confer citizenship. In rare cases, this means that children who are born to Egyptian mothers and stateless fathers are 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 serve as judges. The Court of Cassation agreed to hear in January 2000 the case of attorney Fatma Lashin, who is challenging the Government's refusal to appoint her as a public prosecutor. (To become a judge, one must first serve as a public prosecutor.)

Laws affecting marriage and personal status generally correspond to an individual's religion. A 1979 liberalization of the Family Status Law, which strengthened a Muslim woman's rights to divorce and child custody, was repealed in 1985 after the Supreme Constitutional Court ruled that the use of a presidential decree to implement the law was unjustified.

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.

Women have employment opportunities in government, medicine, law, academia, the arts, and, to a lesser degree, business. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures, women constitute 17 percent of private business owners and occupy 25 percent of the managerial positions in the four major national banks. Social pressure against women pursuing a career is strong, and some women's rights advocates say

that a resurgent Islamic fundamentalist trend limits further gains. Women's rights advocates also point to other discriminatory traditional or cultural attitudes and practices such as female genital mutilation and the traditional male relative's role in enforcing chastity and chaste sexual conduct.

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

Children.—The Government remains committed to the protection of children's welfare within the limits of its budgetary resources. Many of the resources for children's welfare are provided by international donors, especially in the field of child immunization. Child labor is widespread, despite the Government's commitment to eradicate it (see Section 6.d.).

The Government provides public education, which is compulsory for the first 8 academic years (typically until the age of 15). The Government treats boys and girls equally at all levels of education.

The Government enacted a Child Law in 1996. The law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set advantageous rules for working children (see Section 6.d.). Other provisions include: A requirement for employers to set up or contract with a child care center if they employ more than 100 women; the right of rehabilitation for disabled children; 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.

The Government remains committed to eradicating the practice of female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health. Despite strong government and community efforts to eradicate FGM, government and private sources agree that it is common. Traditional and family pressures remain strong; a study conducted in 1995 places the percentage of women who have ever been married who have undergone FGM at 97 percent. In February the Population Council released the results of a 1997 survey of Egyptian adolescents, which found that 86 percent of girls between the ages of 13 and 19 had undergone FGM. FGM generally is performed on girls between the ages of 7 and 10, with equal prevalence among Muslims and Christians.

The Court of Cassation issued a decision in 1997 that upheld the legality of the decree banning FGM issued in 1996 by the Minister of Health and Population Planning. In addition to enforcing the decree, the Government supports a range of efforts to educate the public. A discussion of FGM and its dangers has been added to the curriculum of the school system. The Government broadcasts television programs criticizing the practice. Government ministers are outspoken in advising citizens to cease the practice, and senior religious leaders also support efforts to stop it. The Sheikh of Al-Azhar, the most senior Islamic figure in the country, and the leader of the Coptic Christian community, Pope Shenouda, have stated repeatedly that FGM is not required by religious doctrine. However, illiteracy impedes some women from distinguishing between the deep-rooted tradition of FGM and religious practices. A number of NGO's also work actively to educate the public about the health hazards of the practice.

People With Disabilities.—There are approximately 5.7 million disabled persons, of whom 1.5 million are disabled severely. The Government makes serious efforts to address their rights. It works closely with U.N. agencies and other international aid donors to design job-training programs for the disabled. The Government also seeks to increase the public's awareness of the capabilities of the disabled in television programming, the print media, and in educational material in public schools.

By law, all businesses must designate 5 percent of their jobs for the disabled, who are exempt from normal literacy requirements. Although there is no legislation mandating access to public accommodations and transportation, the disabled may ride government-owned mass transit buses without charge, are given priority in obtaining telephones, and receive reductions on customs duties for private vehicles.

Religious Minorities.—The Constitution provides for equal public rights and duties without discrimination due to religion or creed. For the most part, these constitutional protections are upheld by the Government. However, discrimination against Christians exists. There are no Christians serving as governors, university presidents, and deans. There are few Christians in the upper ranks of the security services and armed forces. Although there was improvement in a few areas, government discriminatory practices include: Suspected statistical underrepresentation of the size of the Christian population; bias against Christianity and Coptic history in the educational curricula; limited or biased coverage of Christian subjects in the media;

failure to admit Christians into public university training programs for Arabic language teachers (because the curriculum involves study of the Koran); discrimination against Christians in the public sector; and discrimination against Christians in staff appointments to public universities.

The approximately 6 million Coptic Christians have been the objects of occasional violent assaults by the Islamic Group and other terrorists. However, there were no reports of terrorist attacks against Christians during the year. In incidents unrelated to terrorism, a Christian priest in Mahalla and a Christian priest in Dairout were attacked by individual extremists in August and September, respectively. The assailant in the first incident was charged with attempted murder and the case was referred to a criminal court. No trial date was set by year's end. The assailant in the Dairout case was determined to be mentally unstable and remains in custody. The Government provided the priests with medical care. The Public Prosecutor charged Ahmad Fergally Ahmad Nasir and Ibrhaim Fergally Ahmad Nasir with premeditated murder after the Nasir brothers shot and killed a monk on September 2 in Assiyut governorate following a land dispute. The monk was affiliated with a monastery that rents thousands of acres of agricultural land to local tenants; the Nasir brothers were tenants on the land. The Public Prosecutor appealed the September 21 verdict of a criminal court that ruled that the Nasir brothers were guilty of an "attack leading to death" and sentenced them to 7 years in prison. The Public Prosecutor is seeking a conviction for premeditated murder. The case is pending before an appeals court. A December 31 dispute between a Christian shop owner and a Muslim customer in the village of Al-Kush in Sohag governorate escalated into violent exchanges between Christians and Muslims (see Section 1.c.).

According to press reports, in October a State Security Emergency court began the trial of four members of a terrorist group from the upper (southern) city of Dairout accused of murder and attempted murder of policemen and Christians in the early 1990's. The trial was postponed until December, then later postponed again until February 2000. There was no information available about the identities of the defendants and the specific charges against them by year's end (see Sections 1.a. and 1.e.).

Some Christians have alleged that the Government is lax in protecting Christian lives and property. Security forces arrest extremists who perpetrate violence against Christians, but some members of the Christian community do not believe that the Government is sufficiently vigorous in its efforts to prevent attacks. They also maintain that the Government does little to correct nonviolent forms of discrimination, including its own.

There were reports of forced conversions of Coptic girls to Islam. Reports of such cases are disputed and often include inflammatory allegations and categorical denials of kidnaping and rape. Observers, including human rights groups, find it extremely difficult to determine whether compulsion was used, as most cases involve a Coptic girl who converts to Islam when she marries a Muslim boy. 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 are credible reports of government harassment of Christian families that attempt to regain custody of their daughters, and of the failure of the authorities to uphold the law (which 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) in cases of marriage between an underage Christian girl and a Muslim boy.

There is no legal requirement for a Christian girl or woman to convert to Islam in order to marry a Muslim. If a Christian woman marries a Muslim man, she is excommunicated by the Coptic Church. Ignorance of the law and social 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. In addition conversion is a means of circumventing the legal prohibition on marriage between the ages of 16 and 21 without the approval and presence of the girl's guardian. Most Christian families would object 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.

Anti-Semitism in the Egyptian press is found in both the government press and in the press of the opposition parties. The Government has criticized anti-Semitism and advised journalists and cartoonists to avoid anti-Semitism. There have been no violent anti-Semitic incidents in recent years directed at the tiny Jewish community.

Section 6. Worker Rights

a. *The Right of Association.*—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 27 per cent of the labor force, are employed by state-owned enterprises. The law stipulates that "high administrative" officials in government and the public sector may not join unions.

There are 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 Committee of Experts repeatedly has emphasized that a law that requires all trade unions to belong to a single federation infringes on freedom of association. The Government has shown no sign that it intends to accept the establishment of more than one federation. The ETUF leadership asserts that it actively promotes worker interests and that there is no need for another federation. ETUF officials have close relations with the NDP, and some are members of the People's Assembly or the Shura Council. They speak vigorously on behalf of worker concerns, but public confrontations between the ETUF and the Government are rare. Disputes more often are resolved by consensus behind closed doors.

The labor laws do not provide adequately for the rights to strike and to engage in collective bargaining. Even though the right to strike is not provided, strikes occur. The Government considers strikes a form of public disturbance and therefore illegal.

In March six members of the Tagammu opposition party were arrested by state security forces following a meeting in Cairo to discuss opposition to draft labor legislation. They were charged with "possessing publications that disturb public order and security" for carrying pamphlets that criticized the draft labor law. Three of the six were released immediately. The other three were questioned and released following payment of bail in the amount of $170 (500 Egyptian pounds) each (see Section 1.d. and 2.a.)

An increasing number of strikes took place in the public sector and at privatized companies during the year, mainly over issues of wage cuts and dismissals. From the period January to October, 28 strikes occurred. Most of the strikes took place in Alexandria, Cairo, and the delta (northern Egypt), the country's industrial centers. Most of the strikes occurred in public-sector companies and lasted for 1 day. Each strike involved hundreds of workers, and in several instances more than a thousand workers were involved. Ten strikes occurred in January alone. Bonuses and incentives tied to the previous year's production typically are disbursed in January, and failure to disburse the bonuses often leads to a strike. ETUF or government officials successfully mediated most of the strikes.

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

b. *The Right to Organize and Bargain Collectively.*—Under the law, unions may negotiate work contracts with public sector enterprises if the latter agree to such negotiations, but unions otherwise lack collective bargaining power in the state sector. Under current circumstances, collective bargaining does not exist in any meaningful sense because the Government sets wages, benefits, and job classifications by law.

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

Labor law and practice are the same in Egypt's six export processing zones (EPZ's) as in the rest of the country.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor; however, the Criminal Code authorizes sentences of hard labor for some crimes. Although the law does not prohibit specifically forced and bonded labor by children, such practices are not known to occur (see Section 6.d.). Domestic and foreign workers generally are not subject to coerced or bonded labor. During the year the Government successfully resolved one sensationalized incident of forced domestic labor involving a foreign resident employer.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Under the 1996 Child Law (see Section 5), the minimum age for employment is 14 in nonagricultural work. 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. Preemployment training for children under the age of 12 is prohibited. It is prohibited for children to work for more than 6 hours a day. One or more breaks totaling at least 1 hour must be included. Children are not to work overtime, during their

weekly day off, between 8 p.m. and 7 a.m., or for more than 4 hours continuously. Education is compulsory, free, and universal for the first 8 academic years (typically until the age of 15).

In general the Government does not devote adequate resources and oversight to child labor policies. Statistical information on the number of working children is difficult to obtain and often out of date. A comprehensive study prepared by the Government's statistical agency in 1988 indicated that 1.309 million children between the ages of 6 and 14 are employed. In November the Minister of Social Affairs reportedly stated that 1 million children participate in agricultural labor. Government studies also indicate that the concentration of working children is higher in rural than urban areas. Nearly 78 percent of working children are in the agricultural sector. However, children also work as domestics, as apprentices in auto repair and craft shops, in heavier industries such as construction, in brick-making and textiles, and as workers in tanneries and carpet-making factories. While local trade unions report that the Ministry of Labor adequately enforces the labor laws in state-owned enterprises, enforcement in the private sector, especially in family-owned enterprises, is lax. Many of these children are abused and overworked by their employers, and the restrictions in the Child Law have not improved conditions due to lax enforcement on the part of the Government. There are no records of cases in which an employer was fined or imprisoned.

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

e. *Acceptable conditions of work.*—For Government and public sector employees, the minimum wage is approximately $34 (about 116 Egyptian pounds) a month for a 6-day, 42-hour workweek. The minimum wage, which is set by the Government and applied nationwide, is enforced effectively by the Ministry of Administrative Development. The minimum wage does not provide for a decent standard of living for a worker and family; however, base pay commonly is supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay. The minimum wage also is binding legally on the private sector, and larger private companies generally observe the requirement and pay bonuses as well. Smaller firms do not always pay the minimum wage or bonuses.

The Ministry of Labor sets worker health and safety standards, which also apply in the export processing zones; however, enforcement and inspections are uneven. In October state security forces arrested Fathy Al-Masri and detained him for 15 days for possessing a pamphlet entitled "The Right to Medical Services." The pamphlet was prepared in response to an administrative bulletin announcing a prohibition on nonmedical emergency services issued by the General Director for Medical Services for the Al-Nasr hide tanning company (see Sections 1.d. and 2.a.).

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

f. *Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; however, the law prohibits prostitution and sex tourism.

There were no reports that persons were trafficked in, to, or from the country.

IRAN*

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 Khamenei, is the Supreme Leader of the Islamic Revolution and has direct control of the armed forces, internal security forces, and the judiciary. Mohammad Khatami was elected to a 4-year term as President in a popular vote in February 1997. A popularly elected 270-seat (to be increased by 20 seats in 2000) unicameral Islamic Consultative Assembly, or Majles, develops and passes legislation. All legislation passed by the Majles is reviewed for adherence to Islamic and constitutional principles by a Council of Guardians, which consists of six clerical members, who are appointed by the Supreme Leader, and six lay jurists, who are appointed by the head of the judiciary and approved by the Majles. The Constitution provides the Council of Guardians with the power to screen and disqualify candidates for elective

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

offices based on an ill-defined set of requirements, including the candidates' ideological beliefs. The judiciary is subject to government and religious influence.

Several agencies share 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 thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who often are aligned with specific members of the leadership, act as vigilantes, and are released into the streets to intimidate and threaten physically demonstrators, journalists, and individuals suspected of counter-revolutionary activities. Both regular and paramilitary security forces committed numerous, serious human rights abuses.

Iran has a mixed economy that is heavily dependent on export earnings from the country's extensive petroleum reserves. The Constitution mandates that all large-scale industry, including petroleum, minerals, banking, foreign exchange, insurance, power generation, communications, aviation, and road and rail transport, are to be owned publicly and administered by the state. Large charitable foundations called bonyads, most with strong connections to the Government, control the extensive properties and businesses expropriated from the former Shah and figures associated with his regime. The bonyads exercise considerable influence in the economy, but do not account publicly for revenue and pay no taxes. Basic foodstuffs and energy costs are subsidized heavily by the Government. Oil exports account for nearly 80 percent of foreign exchange earnings. Private property is respected; however, economic performance is affected adversely by government mismanagement and corruption, although performance improved somewhat during the year due to the worldwide increase in oil prices. Unemployment was estimated to be at least 25 percent, and inflation was an estimated 25 percent.

The Government's human rights record remained poor; although efforts within society to make the Government accountable for its human rights policies intensified, serious problems remain. The Government restricts citizens' right to change their government. Systematic abuses include extrajudicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment, reportedly including rape; harsh prison conditions; arbitrary arrest and detention, and prolonged and incommunicado detention. Perpetrators often committed such abuses with impunity. The Government in May prosecuted a senior police official for torture, reportedly for the first time since the revolution; however, he was cleared of most charges and resumed his duties. The judiciary suffers from government and religious influence, and does not ensure that citizens receive due process or fair trials. The Government uses the judiciary to stifle dissent and obstruct progress on human rights. The Government infringes on citizens' privacy rights, and restricts freedom of speech, press, assembly, and association. The Government closed numerous reform-oriented publications during the year and brought charges against prominent political figures and members of the clergy for expressing ideas viewed as contrary to the ruling orthodoxy. However, the Ministry of Culture and Islamic Guidance blunted these efforts by continuing to issue licenses for the establishment of newspapers and magazines, many of which challenged openly government policies and individual members of the leadership. The Government restricts freedom of religion. Religious minorities, particularly Baha'is, continued to suffer repression by conservative elements of the judiciary and security establishment. Thirteen Jews in the cities of Shiraz and Isfahan were arrested in February and March on suspicion of espionage on behalf of Israel, an offense punishable by death. The Government failed to abide by internationally recognized standards of due process in the case. The Government restricts freedom of movement. There were reports early in the year that mobs attacked and killed numerous Afghan refugees. The selection of candidates for elections effectively is controlled by the Government. 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 view such reforms as a threat to the survival of the Islamic republic. In many cases, this struggle is played out within the Government itself, with reformists and hardliners squaring off in divisive internal debates. Government agents were implicated in the murders in late 1998 of several prominent political dissidents.

The Government restricts the work of human rights groups and continues to deny entry to the country to the U.N. Commission on Human Rights Special Representative for Human Rights in Iran. Violence against women occurs, and women face legal and societal discrimination. The Government discriminates against religious and ethnic minorities and restricts important workers' rights. Child labor persists. Vigilante groups, with strong ties to certain members of the Government, enforce

their interpretation of appropriate social behavior through intimidation and violence.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—The Government was responsible for numerous extrajudicial killings. Human rights groups reported that security forces killed at least 20 persons while violently suppressing demonstrations by Kurds that occurred in the wake of the February arrest of Kurdish Workers Party (PKK) leader Abdullah Ocalan in Turkey (see Sections 1.c., 2.b., and 5). Human Rights Watch reported at least four student deaths on July 8, when government-sanctioned agitators attacked a student dormitory during protests in Tehran (see Sections 1.c. and 2.b.).

Citizens continued to be tried and sentenced to death in the absence of sufficient procedural safeguards. In 1992 the domestic press stopped reporting most executions; however, executions continue in substantial numbers, according to U.N. and other reporting. The U.N. Special Representative cited an estimated 138 executions from January through mid-August, most of which were reported in the media. The Government has not cooperated in providing the Special Representative with a precise number of executions carried out in Iran. Exiles and human rights monitors allege that many of those executed for criminal offenses, such as narcotics trafficking, are actually political dissidents. Supporters of outlawed political organizations, such as the Mujahedin-e Khalq organization, are believed to make up a large number of those executed each year. 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 Iranian officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." U.N. representatives, including the U.N. Special Representative on Human Rights in Iran, and independent human rights organizations, continue to note the absence of procedural safeguards in criminal trials. Harsh punishments are carried out, including stoning and flogging (see Section 1.c.). Article 102 of the Islamic Penal Code details the methods authorities should follow when conducting a stoning: "the stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts." According to press accounts, a man was stoned to death in April in the town of Babol, which borders the Caspian Sea. He was alleged to have killed three of his own sons. Prior to the stoning, he received 60 lashes. The first stone was cast by the judge who sentenced him to death. The law also allows for the relatives of murder victims to take part in the execution of the killer.

The Government's investigation into the murder of several prominent Iranian dissidents and intellectuals in late 1998 continued throughout the year. The case involved the murders, over a 2-month period from October to December 1998, of prominent political activists Darioush 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.). In February after several senior figures of the leadership blamed the disappearances and murders on "foreign hands," it was revealed that active-duty agents of the Ministry of Intelligence had carried out the killings. Minister of Intelligence Qorban Ali Dori-Najafabadi and several of his senior deputies resigned their posts following these revelations.

Supervision for the case was placed in the hands of the Military Prosecutor's office. In June the Prosecutor's Office released an initial report on the investigation, identifying a cell from within the Ministry of Intelligence led by four "main agents" as responsible for the murders. The leader among the agents reportedly was a former Deputy Minister of Intelligence, Saeed Emami, who, the government stated, had committed suicide in prison by drinking a toxic hair removal solution several days prior to release of the government's June report. The report also indicated that 23 persons had been arrested in association with the murders and that a further 33 were summoned for interrogation. The Government released no names beyond the four main suspects and none of the suspects that it claimed to have arrested had faced trial for their alleged involvement by year's end.

Frustration over the slow pace of the murder investigation and doubt about the government's willingness to follow the case to its conclusion were frequent topics of criticism of the Government throughout the year, particularly by those advocating greater adherence to the rule of law by the Government. Reform-oriented journalists and prominent cultural figures declared publicly their demands for a full accounting in the case and speculated that responsibility for ordering the murders lay much higher within the Government than with the four agents. Such speculation in the

newspaper Salaam led, in part, to its closure in July by the Government, which set off student demonstrations that became widespread street riots (see section 2.b.). The U.N. Special Representative, in his September report, urged the Government to hasten the investigation, noting that the rule of law, declared to be an objective of President Khatami's administration, required no less.

One organization reported eight deaths of evangelical Christians at the hands of the authorities in the past 10 years (see Section 2.c.). Late in the year, an investigative reporter alleged that officials within the Intelligence Ministry were responsible for the murders of three prominent evangelical ministers in 1994, a crime for which three female members of the Mujahedin-e Khalq organization had been convicted (see Section 2.c.).

Numerous Sunni clerics have been murdered in recent years, some allegedly by government agents (see Section 2.c.).

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." 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 Iran 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.

The Istanbul Court of Appeal upheld in 1998 the conviction of an Iranian national for complicity in the 1996 murder of Zahra Rajabi and Ali Moradi, who were both associated with the National Council of Resistance (NCR), an exile group that has claimed responsibility for several terrorist attacks within Iran. The U.N. Special Representative reported in 1998 that Italian security authorities continued their investigation into the 1993 killing in Rome of Mohammad Hossein Naghdi, the NCR's representative in Italy.

b. *Disappearance.*—No reliable information is available on the number of disappearances. In the period immediately following arrest, many detainees are held incommunicado and denied access to lawyers and family members.

Pirouz Davani, a political activist who disappeared in late 1998 along with several other prominent intellectuals and dissidents who later were found murdered, remains unaccounted for and is believed to have been killed for his political beliefs and activism.

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 reportedly were 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 are numerous, credible reports that security forces and prison personnel continue to torture detainees and prisoners. Some prison facilities, including Tehran's Evin prison, are notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government. Common methods include 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 have reported beatings about the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness.

Stoning and flogging are prescribed expressly by the Islamic Penal Code as appropriate punishment for adultery (see Section 1.a.).

Security forces forcefully suppressed demonstrations by Kurds in the wake of the February arrest of PKK leader Abdullah Ocalan in Turkey (see Sections 1.a., 2.b., and 5).

On July 8, the Government and other 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 (see Sections 1.a., 1.d., and 2.b.).

A trial was opened in May against Brigadier General Gholam-reza Naqdi, a senior Tehran police official, and several associates, who were accused of using torture to coerce confessions during the 1998 trial of former mayor of Tehran Gholam Hossein Kharbaschi. It reportedly was the first prosecution of a government official for torture since the 1979 revolution. The charges were based on the accusations of numerous Tehran municipality officials and district mayors that authorities had used torture to coerce admissions of guilt and statements that implicated the former mayor.

The trial of Naqdi was conducted in closed session before a military court. Naqdi was cleared of most charges and resumed his duties with the Tehran police force.

In June the official government news agency reported a meeting of the Islamic Human Rights Committee to discuss measures for the prevention of torture. There was no known public report on the results of that meeting. In August President Khatami was quoted in public remarks as criticizing the use of torture. He defended the rights of prisoners as a legitimate concern based on "Islam and human conscience."

Prison conditions are harsh. Some prisoners are 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 intimidate family members of detainees and torture detainees in the presence of family members. The U.N. Special Representative reported receiving numerous reports of prisoner overcrowding and unrest. He cited a reported figure of only 8.2 square feet (2.5 square) of space available for each prisoner.

The Government does not permit visits to imprisoned dissidents by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, these practices remain common. There is reportedly no legal time limit on incommunicado detention, nor any judicial means to determine the legality of detention. Suspects may be held for questioning in jails or in local Revolutionary Guard offices. Although reliable statistics are not available, international observers believe that between scores and hundreds of citizens are imprisoned for their political beliefs.

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

In February and March, 13 Jews were arrested by security forces in the cities of Isfahan and Shiraz. Among the group were several prominent rabbis, teachers of Hebrew, and their students, one a 16-year-old boy. By year's end, judicial authorities had not clarified the charges against the detainees or allowed them access to defense counsel. The delay in clarification of charges appeared to violate Article 32 of the Constitution, which states in part that in cases of arrest "charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours so that the preliminaries to the trial can be completed as swiftly as possible." The investigation reportedly has centered around charges of espionage on behalf of Israel, an offense punishable by death. Governments around the world criticized the arrests and called for the safe treatment of the detainees, who have been allowed only sporadic family visits and deliveries of kosher food (see Section 2.c.).

As many as 1,500 students were detained in the wake of student protests on July 8, and subsequent riots (see Sections 1.a., 1.c., and 2.b.).

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

Adherents of the Baha'i Faith continue to face arbitrary arrest and detention. The Government appears to adhere to a practice of keeping a small number of Baha'is in detention at any given time. According to the U.N. Special Representative and Baha'i groups, at least 12 Baha'is are in prisons, including 5 who were convicted of either apostasy or "actions against God" and sentenced to death. In March the four remaining detainees from the 1998 raid on the Baha'i Institute of Higher Learning were convicted and sentenced to prison terms ranging from 3 to 10 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 on political and governance issues are at variance with the ruling orthodoxy. Several of these figures dispute the legitimacy and position of the current Supreme Leader, Ayatollah Ali Khamenei. The clerics include Ayatollah Seyyed Hassan Tabataei-Qomi, who has been under house arrest in Mashad for more than 14 years; Ayatollah Mohammad Shirazi, who remains under house arrest in Qom; and Ayatollah Ya'asub al-Din Rastgari, who has been under house arrest in Qom since late 1996. Ayatollah Hossein Ali Montazeri, the former designated successor of the late Spiritual Leader, Ayatollah Khomeini, and an outspoken critic of the current Su-

preme Leader, remains under house arrest and heightened police surveillance (see Section 2.a.). The followers of these and other dissident clerics, many of them junior clerics and students, reportedly have been detained in recent years and tortured by government authorities.

Throughout the year, Iran and Iraq exchanged prisoners of war (POW's) and the remains of deceased fighters from the 1980–88 Iran-Iraq war, adding to the large number of Iraqi POW's returned by Iran in 1998. However, a final settlement of this issue between the two governments was not achieved, despite predictions by Iranian government officials in late 1998. A June 1998 press report described joint Iran-Iraq search operations to identify the remains of those missing in action.

The Government does not use forced exile, but many dissidents and ethnic and religious minorities leave the country due to a perception of threat from the Government.

e. *Denial of Fair Public Trial.*—The court system is not independent and is subject to government and religious influence. It serves as the principal vehicle of the State to restrict freedom and reform in the society.

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, which 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 has been 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 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 survive 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 is not addressed by statutes enacted after the 1979 revolution, the Government advises judges to give precedence to their own knowledge and interpretation of Islamic law, rather than rely on statutes enacted during the Shah's regime.

Trials in the Revolutionary Courts, where crimes against national security and other principal offenses are heard, are notorious for their disregard of international standards of fairness. Revolutionary Court judges act as prosecutor and judge in the same case, and judges are chosen for their ideological commitment to the system. Pretrial detention often is prolonged and defendants lack access to attorneys. Indictments often lack clarity and include undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants do not have the right to confront their accusers. Secret or summary trials of 5 minutes are not unknown. Others are show trials that are intended merely to emphasize a coerced public confession. In 1992 the Lawyers Committee for Human Rights concluded that "the chronic abuses associated with the Islamic Revolutionary Courts are so numerous and so entrenched as to be beyond reform." The Government has undertaken no major reform of the Revolutionary Court system since that report.

The legitimacy of the Special Clerical Court (SCC) system was a subject of wide debate throughout the year. The clerical courts, which were established in 1987 to investigate offenses and crimes that are committed by clerics, are overseen directly by the Supreme Leader, are not provided for in the Constitution, and operate 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 area of religion, including journalism. In November 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 the pages of Khordad, a newspaper that was established by Nouri in late 1998 and closed at the time of his arrest. Nouri used the public trial to attack the legitimacy of the SCC (see Section 2.a.).

In April a branch of the SCC convicted Hojjatoleslam Mohsen Kadivar, a Shi'a cleric and popular seminary lecturer, to 18 months in prison for "dissemination of

lies and confusing public opinion" in a series of broadcast interviews and newspaper articles. Kadivar advocated political reform and greater intellectual freedom and criticized the misuse of religion to maintain power. In an interview published in a newspaper, Kadivar criticized certain government officials for turning criticism against them into alleged crimes against the State. He also observed that such leaders "mistake themselves with Islam, with national interests, or with the interests of the system, and in this way believe that they should be immune from criticism." He also allegedly criticized former Supreme Leader Ayatollah Khomeini and demonstrated support for dissident cleric Ayatollah Montazeri. Kadivar's trial was not open to the public.

In July the SCC banned the daily newspaper Salaam and indicted its publisher, Mohammad Mousavi Khoeniha, on charges of "violating Islamic principles," "endangering national security," and "disturbing public opinion." Khoeniha, a cleric, later was sentenced to a 5-year jail term. The charges involved the publication by Salaam of documents related to the unsolved murders of dissident intellectuals in late 1998, which indicated a possible connection to senior officials in the plotting of the murders. The closure of the newspaper led to peaceful protests by students at Tehran University that later grew into widespread rioting after aggressive countermeasures were taken by security forces (see Section 2.b.).

It is difficult for many women to obtain legal redress. A woman's testimony is worth only half that of a man's, making it difficult for a woman to prove a case against a male defendant.

The Government frequently charges members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducts trials in these cases in the same manner as is reserved for threats to national security. Ayatollah Mohammad Yazdi, who resigned as head of the judiciary in August, stated in 1996 that Baha'i Faith was an espionage organization. Trials against Baha'is have reflected this view (see Section 2.c.).

Independent legal scholar and member of the Islamic clergy Hojatoleslam Sayyid Mohsen Saidzadeh, who was convicted by the SCC in 1998 for his outspoken criticism of the treatment of women under the law, was released from prison in early in the year; however, the Government banned him from performing any clerical duties for 5 years. Human Rights groups outside Iran noted reports that Saidzadeh's 1998 sentence also included a prohibition on publishing. He has ceased authoring a monthly column on legal issues, many focusing on the rights of women, since the time of his detention.

In December authorities rearrested former Deputy Prime Minister and longtime political dissident Abbas Amir-Entezam after an interview with him was published in an Iranian newspaper. Amir-Entezam has spent much of the past 20 years in and out of prison since being arrested on charges of collaboration with the United States following the seizure of the U.S. embassy in Tehran by revolutionary militants in 1979. In his original trial, Amir-Entezam was denied defense counsel and access to the allegedly incriminating evidence that was used against him gathered from the overtaken U.S. Embassy. Since then he has appealed for a fair and public trial, which has been denied him. He has been a frequent victim of torture in prison; he suffered a ruptured eardrum due to repeated beatings, and kidney failure resulting from denial of access to toilet facilities, and an untreated prostate condition. He reports having been taken on numerous occasions before a firing squad, told to prepare for death, only to be allowed to live.

No estimates are available on the number of political prisoners. However, the Government often arrests, convicts, and sentences persons on questionable criminal charges, including drug trafficking, when their actual "offenses" are political.

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 infringes on these rights. Security forces monitor the social activities of citizens, enter homes and offices, monitor telephone conversations, and open mail without court authorization.

Organizations such as the Ansar-e Hezbollah, a movement of hard-line vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harass, beat, and intimidate those who demonstrate publicly for reform or who do not observe dress codes or other modes of correct revolutionary conduct. This includes women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup or nail polish. Ansar-e Hezbollah gangs also have been 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 are organized throughout the country and linked to individual members of the country's leadership.

Vigilante violence includes attacking young persons believed 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 enter homes to remove television satellite dishes, or to disrupt private gatherings where unmarried men and women socialize, or where alcohol, mixed dancing, or other forbidden activities are offered or take place. Enforcement appears to be arbitrary, varying widely with the political climate and the individuals involved. Authorities reportedly are vulnerable to bribes in some of these circumstances.

In 1998 security forces conducted a nationwide raid of more than 500 homes and offices owned or occupied by Baha'is suspected of having connections to the Baha'i Institute of Higher Learning (see Section 2.c.). During the raids, instructional materials, office equipment, and other items of personal property were confiscated. The effort apparently was designed to disrupt the operation of the Institute, which serves as the only alternative source of higher education for most Baha'is, who are denied entry to the state-controlled university system.

Prison guards intimidated family members of detainees (see Section 1.c.). Iranian opposition figures living abroad reported harassment of their relatives in Iran.

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 restricts freedom of speech and of the press in practice. Since the election of President Khatami, the independent press, especially newspapers and magazines, has 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 are lacking, and the independent press has been subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary, which see in such debates a threat to their own hold on power.

Newspapers and magazines represent a wide variety of political and social perspectives, some allied with particular figures within the Government. Many subjects of discussion are 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." Generally prohibited topics include fault-finding comment on the personality and achievements of the late Leader of the Revolution, Ayatollah Khomeini; direct criticism of the current Supreme Leader; assailing the principle of velayat-e faqih, or rule by a supreme religious leader; questioning the tenets of certain Islamic legal principles; sensitive or classified material affecting national security; promotion of the views of certain dissident clerics, including Grand Ayatollah Ali Montazeri; and promotion of rights or autonomy of ethnic minorities.

Oversight of the press is carried out in accordance with a press law that was enacted in 1995. The 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 who is 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, and publishers. In certain cases, the Press Supervisory Board may refer complaints to the courts for further action, including closure. The Press Court hears such complaints. Its hearings are conducted in public and feature the presence of a jury that is composed of clerics, government officials, and editors of government-controlled newspapers. The jury is 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 are not binding legally. In at least two cases during the year (against the newspapers Jame-eh Salem and Adineh), recommendations made by Press Court juries for relatively lenient penalties were disregarded by the presiding judge in favor of harsher measures, including closure. Perhaps because the judgments of the Press Courts have not been viewed as sufficiently strict by some government officials, alleged violations of the Press Law increasingly were referred to the Revolutionary and Special Clerical Courts, in which defendants enjoy fewer legal safeguards (see Section 1.e.).

Two notable amendments to the 1995 Press Law were circulated in the Parliament during the year. The first would curtail severely the current freedoms held by the independent press, including by making individual journalists—and not their publishers—personally liable for violations of the Press Law, and by requiring the directors of publications to reveal to the Government their sources for the articles they publish. The amendment was opposed by Minister of Culture and Islamic Guid-

ance Ataollah Mohajerani during parliamentary debate. It requires further parliamentary examination before implementation. In August another amendment apparently directed at the independent press was proposed, which would define a new class of "political offenses," including the "exchange of information with foreign embassies, diplomatic representatives, media, and political parties, that may be determined to put national interests in jeopardy." This amendment was submitted to the Cabinet for further discussion, and reportedly remains pending there. The U.N. Special Representative noted in his October report that "passage of these two pieces of new legislation, both apparently opposed by those most concerned, would constitute a major defeat for the right of free expression."

Public officials frequently levy complaints against journalists, editors, and publishers, and even rival publications. The practice of complaining about the writings of journalists crosses ideological lines. Offending writers are subject to trial, with fines, suspension from journalistic activities, and imprisonment all common punishments on findings of guilt for offenses ranging from "fabrication" to "propaganda against the State" to "insulting the leadership of the Islamic Republic."

Police raid newspaper offices, and Ansar-e Hezbollah mobs attack the offices of liberal publications and bookstores without interference from the police or prosecution by the courts.

The country's record on freedom of expression was mixed during the year. It remained the central issue of the struggle between hard liners and political reformers in society. The Government continued its policy of issuing licenses for new publications, many of which engaged in open criticism of certain government policies. However, opponents of such openness continued their assault, begun in 1998, on the relative freedom enjoyed by the independent press since the election of President Khatami. In March then-head of the judiciary Mohammad Yazdi addressed reform-oriented journalists and the issue of press freedom in a Friday prayer sermon broadcast throughout the country, stating that there "is no freedom for you to write and say anything you like. Our people do not want such freedom if it is against the tenets of Islam. Do not come out tomorrow and ask why you were not warned in advance. Do not cry out when we arrest someone."

As an example of the division within the various branches of the Government on this issue, the Majles conducted impeachment hearings in April against Minister of Culture and Islamic Guidance Ataollah Mohajerani. Mohajerani is viewed as a major force within the Government for greater press and academic freedom. Among the charges brought against Mohajerani were that his Ministry had failed to prevent the publishing of material that "insulted Islamic sanctities," and that "propagated corruption and obscenity." However, the hearing was viewed as a more general attack on the policy of press liberalization at the Ministry during Mohajerani's tenure. The motion failed by a vote of 135–121 and Mohajerani continued in his position.

Numerous publications were banned or suspended during the year. The U.N. Special Representative reported 40 complaints against publications in the period from January to August. Many of the leading publications that represented the views of the reform movement were ordered closed during the year, including Salaam, Rah-e No, Jame'eh Salem, Iran-e Farda, Adineh, Neshat, and Khordad. In March the magazine Zan (Woman) was ordered closed by a Revolutionary Court for publishing part of a New Year's greeting to the citizenry from the former Empress, Fara Pahlavi, who is living in exile, and for printing a cartoon satirizing an aspect of Shari'a (Islamic law) that is currently in effect, under which the "blood money" that is paid to the family of a murdered woman equals half that paid to the family of a murdered man.

Several individual editors and publishers were arrested and fined for alleged violations of the Press Law. At the same time, the Government continued to issue licenses for the creation of such publications. In one such case, a leading reformist daily, Neshat, was ordered closed in September, and its editor, Mashallah Shamsolvaezin, was arrested on charges concerning the publication in Neshat of an article that called for the abolition of the death penalty. However, his arrest was not carried out by the authorities until November, and in the intervening period, Shamsolvaezin obtained a new license and oversaw the creation and publication of a new daily newspaper, Asr-e Azadegan, which assumed the same reform orientation that had characterized Neshat.

The Government monitors carefully the statements and views of Iran's senior religious leaders to prevent disruptive dissent within the clerical ranks. In November 1997, Ayatollah Hossein Ali Montazeri, a cleric formerly designated as the successor to Iran's late Spiritual Leader Ayatollah Khomeini, called into question the authority of the current 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 a Koranic school in Qom run by Montazeri. The promotion of Montazeri's views were among the charges brought against clerics Mohsen Kadivar and Abdollah Nouri at hearings of the Special Clerical Court during the year.

The press reported throughout the year that several persons were jailed for expressing support for Grand Ayatollah Montazeri. In October it was reported that Akbar Tajik-Saeeki, identified as the prayer leader at a Tehran mosque, was jailed by the Special Court for the Clergy for signing a petition that protested the continued detention of Grand Ayatollah Montazeri. Support for Montazeri was also one of the charges included in the wide-ranging indictment of former Interior Minister Abdollah Nouri (see Section 1.e.).

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, remain at risk. In July the Association of International Writers, known by its acronym PEN, released a statement noting that authorities had never solved the murders of signatories Ahmad Mirallai, Ghafar Hosseini, Ahmad Modhtari, Mohammad Jafar Pouyandeh, Ebrahim Zalzadeh, and Darioush and Parvaneh Forouhar, nor the disappearance in late 1998 of Pirouz Davani. PEN had reported in October 1998 that Declaration signatories Mohammad Pouyandeh, Mohammad Mokhtari, Houshang Golshiri, Kazem Kardevani, and Mansour Koushan were questioned by a Revolutionary Court in connection with their attempts to convene a meeting of the Iran Writer's Association. Mokhtari and Pouyandeh subsequently were murdered, while signatory Mansour Koushan reportedly fled to Norway.

The Government directly controls and maintains a monopoly over all television and radio broadcasting facilities; programming reflects the Government's political and socio-religious ideology. Because newspapers and other print media have a limited circulation outside large cities, radio and television serve as the principal news source for many citizens. Satellite dishes that receive foreign television broadcasts are forbidden; however, many citizens, particularly the wealthy, own them. In May the Minister of Islamic Culture and Guidance stated in public remarks that the Government might support an easing of the satellite ban. However, Supreme Leader Khamenei, who makes the ultimate determination on issues that involve radio and television broadcasting, quickly criticized any potential change as amounting to "surrender" to Western culture, effectively ending any further debate of the idea.

The Ministry of Islamic Culture and Guidance is charged with screening books prior to publication to ensure that they do not contain offensive material. However, some books and pamphlets critical of the Government are published without reprisal. The Ministry inspects foreign printed materials prior to their release on the market.

Legal scholar Hojatoleslam Sayyid Mohsen Saidzadeh, who was convicted by the SCC in 1998 for his outspoken criticism of the treatment women under the law, was released from prison early in year; however, the Government banned him from performing any clerical duties for 5 years and prohibited him from publishing (see Section 1.e.).

The Government effectively censors Iranian-made films, since it is the main source of funding for Iranian film producers, who must submit scripts and film proposals to government officials in advance of funding approval. However, such government restrictions appear to have eased since the election of President Khatami.

President Khatami announced in September 1998 that the Government would take no action to threaten the life of British author Salman Rushdie, or anyone associated with his work "The Satanic Verses." However, his remarks were repudiated by other parties, including the 15 Khordad Foundation, which claims to have financed a bounty for the murder of Rushdie (see Section 1.a.).

Academic censorship persists. In his 1996 interim report, the U.N. Special Representative noted the existence of a campaign to bring about the "Islamization of the universities," which appeared to be a movement to purge persons alleged to "fight against the sanctities of the Islamic system." Government informers who monitor classroom material reportedly are common on university campuses. Admission to universities is politicized; all applicants must pass "character tests" in which officials screen out applicants critical of the Government's ideology. To obtain tenure, professors must cooperate with government authorities over a period of years. Ansar-e Hezbollah thugs disrupt lectures and appearances by academics whose views do not conform with their own. In October a newspaper announced that a post-graduate philosophy course taught by Professor Abdolkarim Soroush at Tehran University was canceled due to threats to set fire to the classroom by unidentified persons.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution permits assemblies and marches "provided they do not violate the principles of Islam;" how-

ever, in practice the Government restricts freedom of assembly and closely monitors gatherings to ensure that they do not constitute uncontrolled antigovernment protest. Such gatherings include 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 quasi-official Ansar-e Hezbollah, which uses violence and intimidation to disperse such assemblies.

The Government forcefully suppressed demonstrations by Kurds in the wake of the February arrest of PKK leader Abudullah Ocalan in Turkey. Security forces reportedly killed 20 persons and made several hundred arrests (see Sections 1.a., 1.c., and 5).

On July 8, students at Tehran University who were protesting proposed legislation by the Majles that would limit press freedoms and the Government's closure of a prominent reform-oriented newspaper, were attacked by elements of the security forces and Ansar-e Hezbollah thugs. Police forces reportedly looked on and allowed repeated attacks against the students and their dormitory. Human Rights Watch reported that, according to witnesses, at least 4 students were killed in the assault on the dormitory, 300 were wounded, and 400 were taken into detention. 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. Student groups attempted to distance their organizations from these later acts, which they blamed on government-sanctioned agitators. The Government intervened to stop the rioting and announced a July 14 counter-demonstration of regime loyalists and off-duty government workers, many of whom were bussed in from other cities for the demonstration.

In the aftermath of these events, the Government took action against members of the security forces for their violent assault on the student dormitory, and against student leaders, demonstrators, and political activists, whom it blamed for inciting illegal behavior. In August 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 September 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 Revolutionary Court for their role in the demonstrations. He gave no details of the court proceedings against the four, which apparently were conducted in secret.

The Government arrested the leaders of the Iran Nations Party in the aftermath of the July demonstrations. The party is a secular nationalist movement that predates the revolution and is 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." The former head of the Iran Nations Party, Darioush Forouhar, was murdered along with his wife in late 1998 by agents of the Iranian intelligence service (see Section 1.a.).

The Government limits freedom of association. The Constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and 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. President Khatami has repeatedly declared as a major goal the development of civil society. A newspaper reported in June that the Article Ten Commission, a government body responsible for reviewing applications for the establishment of political parties, guilds, societies, and nongovernmental organizations (NGO's), released figures indicating that as of April, "85 political, 115 specialized, and 26 religious minority organizations and associations" were active in the country.

c. *Freedom of Religion.*—The Government restricts 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." It also states that "other Islamic denominations are to be accorded full respect," and recognizes Zoroastrians, Christians, and Jews (Iran's pre-Islamic religions) as the only "protected religious minorities." Religions not specifically protected under the Constitution do not enjoy freedom of religion. This situation most directly affects the nearly 350,000 followers of the Baha'i Faith, who effectively enjoy no legal rights.

The central feature of the country's Islamic republican system is 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), is composed principally of Shi'a clergymen.

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

The population is approximately 99 percent Muslim, of which 89 percent are Shi'a and 10 percent are Sunni (mostly Turkmen, Arab, Baluch, and Kurd living in the southwest, southeast, and northwest). Baha'i, Christian, Zoroastrian, and Jewish communities compose less than 1 percent of the population. Sufi Brotherhoods are popular, but there are no reliable figures available to judge their true size.

The U.N. Special Representative for Human Rights in Iran noted in his September 1998 report frequent assertions that religious minorities are, by law and practice, barred from being elected to a representative body (except to the seats in the Majles reserved for minorities, as provided for in Article 64 of the Constitution) and from holding senior government or military positions. Members of religious minorities are allowed to vote, but they may not run for President. All religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing (see Section 5).

The Government allows recognized religious minorities to conduct religious education of their adherents. This includes separate, and privately funded Zoroastrian, Jewish, and Christian schools. These schools are supervised by the Ministry of Education, which imposes certain curriculum requirements. With few exceptions, the directors of these private schools must be Muslim. Attendance at these schools is not mandatory for recognized religious minorities. All textbooks used in course work must be approved for use by the Ministry of Education, including religious texts. Religious texts in non-Persian languages require approval by the authorities for use. This requirement imposes sometimes significant translation expenses on minority communities. Recognized religious minorities may provide religious instruction in non-Persian languages but often come under pressure from the authorities when conducting such instruction in Persian. In particular, evangelical Christian and Jewish communities have suffered harassment and arrest by authorities for the printing of materials or delivery of sermons in Persian.

Recognized religious minorities are allowed by the Government to establish community centers and certain cultural, social, sports or charitable associations which they finance themselves. This does not apply to the Baha'i community which, since 1983, has been denied the right to assemble officially or to maintain administrative institutions. Because the Baha'i Faith has no clergy, the denial of the right to form such institutions and elect officers has threatened its existence in Iran.

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

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits, and incurring heavier punishments than Muslims. Muslim men are free to marry non-Muslim women, but the opposite does not apply. Marriages between Muslim women and non-Muslim men are not recognized.

The Government is highly suspicious of any proselytizing of Muslims by non-Muslims and can be harsh in its response, in particular against Baha'is and evangelical Christians. The Government regards the Baha'i community, whose faith originally derives from a strand of Islam, as a "misguided" or "wayward" sect. The Government has fueled anti-Baha'i and anti-Jewish sentiment in the country for political purposes.

The Government does not ensure the right of citizens to change or replace their religious faith. Apostasy, specifically conversion from Islam, can be punishable by death.

Although Sunni Muslims are accorded full respect under the terms of the Constitution, some Sunni groups claim discrimination on the part of the Government. In particular, Sunnis cite the lack of a Sunni mosque in Tehran and claim that authorities refuse to authorize construction of a Sunni place of worship in the capital. Numerous Sunni clerics have been murdered in recent years, some allegedly by agents of the regime. For example, Human Rights Watch reported in 1998 the killing of Sunni prayer leader Molavi Imam Bakhsh Narouie in the province of Sistan

va-Baluchistan in the southeast. This led to protests from the local community, which believed that government authorities were involved in the murder.

There were no reports of heightened repression by the authorities of Sufi religious practices during the year, as had been reported by Sufi organizations outside the country in previous years.

The largest non-Muslim minority is the Baha'i Faith, estimated at nearly 350,000 adherents throughout the country. The Baha'i Faith originated in Iran during the 1840's as a reformist movement within Shi'a Islam. Initially it attracted a wide following among Shi'a clergy. The political and religious authorities of that time joined to suppress the movement, and since then the hostility of the Shi'a clergy to the Baha'i Faith has remained intense. Baha'is are considered apostates because of their claim to a valid religious revelation subsequent to that of the Prophet Mohammed. The Baha'i Faith is defined by the Government as a political sect historically linked to the Shah's regime and, therefore, as counterrevolutionary, and characterized by its espionage activities for the benefit of foreign entities, particularly Israel. Historically at risk in Iran, Bahai's often have suffered increased levels of persecution during times of political ferment. Baha'is also faced discrimination under the Shah.

Baha'is may not teach or practice their faith or maintain links with coreligionists abroad. The fact that the Baha'i world headquarters is situated in what is now the state of Israel (established by the founder of the Baha'i Faith in the 19th century in what was then Ottoman-controlled Palestine) exposes Baha'is to government charges of "espionage on behalf of Zionism," in particular when Bahai's are caught communicating with or addressing monetary contributions to the Baha'i Faith headquarters.

Broad restrictions on Baha'is appear to be geared to destroying them as a community. They repeatedly have been offered relief from persecution in exchange for recanting their faith. Baha'i marriages are not recognized by the Government, leaving Baha'i women open to charges of prostitution. Children of Baha'i marriages are not recognized as legitimate and, therefore, are denied inheritance rights. Baha'i sacred and historical properties have been confiscated systematically. Baha'is are not allowed to bury and honor their dead in keeping with their religious tradition, while many historic Baha'i gravesites have been confiscated, and in some cases, desecrated or destroyed. In October 1998, three Baha'is were arrested in Damavand, a city north of Tehran, on the grounds that they had buried their dead without government authorization.

Ruhollah Rowhani, a Baha'i, was executed in July 1998 after having served 9 months in solitary confinement on a charge of apostasy, which arose from his allegedly having converted a Muslim woman to the Baha'i Faith. The woman concerned held that her mother was a Baha'i and she herself had been raised a Baha'i. Mr. Rowhani was not accorded a public trial, and no sentence was announced prior to his execution.

Two other Baha'is, Sirus Zabihi-Moghaddam and Hadayat Kashefi-Najafabadi, were tried alongside Rowhani and later sentenced to death by a revolutionary court in Mashad for the exercise of their faith. Unofficial reports received by Baha'i groups outside the country in March indicated that the death sentences against Zabihi-Moghaddam and Kashefi-Najafabadi had been lifted. The two remain in prison and there is no confirmation of a new sentence.

Baha'i group meetings and religious education, which often take place in private homes and offices, are curtailed severely. Public and private universities continue to deny admittance to Baha'i students, a particularly demoralizing blow to a community that traditionally has placed a high value on education. Denial of access to higher education appears aimed at the eventual impoverishment of the Baha'i community.

In September 1998, authorities began a nationwide operation to disrupt the activities of the Baha'i Institute of Higher Learning, also known as the "Open University," which was established by the Baha'i community shortly after the revolution to offer opportunities in higher education to Baha'i students who had been denied access to the country's high schools and universities. 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. In the assault, 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 now was defunct and pledging not to collaborate with it in the future. Baha'is outside the country report that none of the

36 detainees would sign the document. All but four of the 36 subsequently were released.

In March 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 the court verdict, the four were accused of having establishing a "secret organization" engaged in "attracting youth, teaching against Islam, and teaching against the regime of the Islamic Republic." According to Baha'i groups outside Iran, the four were science instructors. In October Baha'i groups outside the country reported that all four were released from prison. There was no explanation for the release.

The Government appears to adhere to a practice of keeping a small number of Baha'is in arbitrary detention, some at risk of execution, at any given time. There were at least 12 Baha'is reported to be under arrest for practicing their faith at year's end, 5 under sentence of death.

Baha'is regularly are denied compensation for injury or criminal victimization. Government authorities claim that only Muslim plaintiffs are eligible for compensation in these circumstances. Baha'is are prohibited from government employment (see Section 5).

In 1993 the U.N. Special Representative reported the existence of a government policy directive on the Baha'is. According to the directive, the Supreme Revolutionary Council instructed government agencies to block the progress and development of the Baha'i community, expel Baha'i students from universities, cut the Baha'is' links with groups outside Iran, restrict the employment of Baha'is, and deny Baha'is "positions of influence," including those in education. The Government claims that the directive is a forgery. However, it appears to be an accurate reflection of current government practice.

In his 1996 report to the U.N. Commission on Human Rights, the U.N. Special Rapporteur on the Question of Religious Intolerance recommended "that the ban on the Baha'i organization should be lifted to enable it to organize itself freely through its administrative institutions, which are vital in the absence of a clergy, so that it can engage fully in its religious activities." In response to the Special Rapporteur's concerns with regard to the lack of official recognition of the Baha'i Faith, government officials stated that Baha'is "are not a religious minority, but a political organization that was associated with the Shah's regime, is against the Iranian Revolution, and engages in espionage activities." The Government asserted to the Special Representative that, as individuals, all Baha'is were entitled to their beliefs and protected under other articles of the Constitution as Iranian citizens.

The Christian community is estimated at approximately 117,000 according to government figures. Of these the majority are ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also are active, although non-ethnically based groups report a greater degree of restrictions on their activities.

Authorities have become particularly vigilant in recent years in curbing what is perceived as increasing proselytizing activities by evangelical Christians, whose services are conducted in Persian. Conversion of a Muslim to a non-Muslim religion can be considered apostasy. Government officials have reacted to this perceived activity by closing evangelical churches and arresting converts. Members of evangelical congregations are required to carry membership cards, photocopies of which must be provided to the authorities. Worshipers are subject to identity checks by authorities posted outside congregation centers. Meetings for evangelical services have been restricted by the authorities to Sundays, and church officials have been ordered to inform the Ministry of Information and Islamic Guidance before admitting new members to their congregations.

Evangelical church leaders are subject to pressure from authorities to sign pledges committing them not to evangelize Muslims or to allow Muslims to attend church services. Evangelical communities in Iran report a heightened sense of fear from authorities in the period since the murders of three prominent Iranian evangelical ministers in 1994, Reverends Tatavous Michaelian, Mehdi Dibaj, and Haik Hovsepian Mehr. Three female members of the Mujahedin-e Khalq organization were convicted for the murders of the three ministers; however, many observers believe that authorities played a role in the killings. Late in the year, a prominent investigative journalist raised new questions about the guilt of the three women convicted of the 1994 murders, alleging that the real murderers may have been officials within the Intelligence Ministry linked to the deaths of several prominent dissidents in late 1998 (see Section 1.a.).

One organization reported 8 deaths of evangelical Christians at the hands of authorities in the past 10 years, and between 15 and 23 disappearances in the year between November 1997 and November 1998.

Oppression of evangelical Christians continued during the year. Christian groups reported instances of government harassment of churchgoers in Tehran, in particular against worshipers at the Assembly of God congregation in the capital. Instances of harassment cited 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. Iranian Christians International (ICI) detailed the cases of Alireza and Mahboobeh Mahmoudian, converts to Christianity and lay leaders of the Saint Simon the Zealot Osgofi Church in Shiraz, who were forced to leave the country permanently in June 1998 after continued harassment by the authorities. The ICI reported that Alireza Mahmoudian had lost his job because of his conversion and had been beaten repeatedly by Basiji and Ansar-e Hezbollah thugs on the orders of government officials from the Ministry of Islamic Guidance. His wife, Mahboobeh, also had been the subject of intimidation, principally through frequent and aggressive interrogation by government officials.

Estimates of the size of the Iranian Jewish community vary from 25,000 to 40,000. These figures represent a substantial reduction from the estimated 75,000 to 80,000 Jews who resided in the country prior to the 1979 Revolution.

While Jews are a recognized religious minority, allegations of official discrimination are frequent. The Government's anti-Israel policies, coupled with a perception among radicalized Muslim elements in Iran that Jewish citizens support Zionism and the State of Israel, create a threatening atmosphere for the small Jewish community. Jewish leaders reportedly are reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

Some outside Jewish groups cite an increase in anti-Semitic propaganda in the official and semi-official media as adding to the pressure felt by the Jewish community. One example cited is 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 regime. In 1986 the Iranian Embassy in London was reported to have published and distributed the Protocols in English. The Protocols also were published in serial form in the country in 1994 and again in January. On the latter occasion they were published in Sobh, a conservative monthly publication reportedly aligned with the security services.

There appears to be little restriction or interference with religious practice or education, but Jews were eased out of government positions after 1979. Jews are permitted to obtain passports and to travel outside the country; however, with the exception of certain business travelers, they are required by the authorities to obtain government clearance (and pay additional fees) before each trip abroad. The Government appears concerned about the emigration of Jews and permission generally is not granted for all members of a Jewish family to travel outside the country at the same time.

In February and March, 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 Government claimed that several non-Jews also were arrested as part of the same operation. The judicial authorities did not reveal any evidence to support the continued detention of the 13 Jews, and no indictments were made. Governments around the world criticized the arrests and called for the safe treatment of the detainees, who were allowed only sporadic family visits and deliveries of kosher food. Credible bases for the charges appeared weak, but may relate to the reported occasional business travel of several of the detainees between Iran and Israel. Attempts by relatives and Jewish community leaders to gain clarification of the charges and assurances of due process were not successful. Jews in Iran reportedly are reluctant to protest or speak out publicly on the matter due to fear of government reprisal. None of the detainees were granted access to counsel, after nearly a year in jail.

Human Rights Watch reported the death in May 1998 of Jewish businessman Ruhollah Kakhodah-Zadeh, who was hanged in prison without a public charge or legal proceeding. Reports indicate that Kakhodah-Zadeh may have been killed for assisting Jews to emigrate. As an accountant, Kakhoda-Zadeh had provided power-of-attorney services for Jews departing the country.

The Government restricts the movement of several senior religious leaders, some of whom have been under house arrest for years (see Sections 1.d. and 2.d.), and often charges members of religious minorities with crimes such as drug offenses, "confronting the regime," and apostasy (see Section 1.e.).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation*.—The Government places some restrictions on these rights. Citizens may travel to any part of the country, although there have been restrictions on travel

to Kurdish areas during times of occasional heavy fighting. Road blocks and security checks are common on routes between major cities. Citizens may change their place of residence without obtaining official permission. The Government requires exit permits (a validation stamp placed in the traveler's passport) for draft-age males and citizens who are politically suspect. Some citizens, particularly those whose skills are in short supply and who were educated at government expense, must post bonds to obtain exit permits. The Government restricts the movement of certain religious minorities and of several religious leaders (see Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes are subject to search and extensive questioning by government authorities for evidence of antiregime activities abroad. Cassette tapes, printed material, and personal correspondence and photographs are subject to confiscation.

The Government permits Jews to travel abroad, but often denies them the multiple-exit permits normally issued to other citizens. The Government normally does not permit all members of a Jewish family to travel abroad at the same time. Baha'is often experience difficulty getting passports. Women must obtain the permission of their husband, father, or other living male relative in order to obtain a passport. Married women must receive written permission from their husbands before embarking on a trip outside 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 cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although the Government generally provides first asylum, the Government increased pressure on some refugees to return to their home countries, particularly as the economy has worsened.

The country hosts a large refugee population. The Government and the UNHCR estimate that there are approximately 1.4 million Afghan refugees in the country. Of this total, about 21,200 are accommodated in refugee camps administered by the Government. The rest subsist on itinerant labor, often moving from place to place within the country. The UNHCR reported that from 1992 through August 1998, 568,671 Afghans were repatriated voluntarily to Afghanistan with the assistance of the UNHCR. The same report also estimated that within the same period, an estimated 1 million Afghans in Iran returned independently to their country. There were reports in late 1998 and early in the year of a surge in the numbers of Afghans forcibly repatriated to their country by government officials and military personnel. Reasons cited were a worsening economic situation and anger over the murders in August 1998 of nine Iranian diplomats and journalists stationed at the Iranian Consulate in the Afghan city of Mazar-e Sharif. There also were reports during this period of civilian mob attacks against groups of Afghan refugees, which resulted in numerous deaths. Afghan refugees who do not reside in official refugee camps increasingly are denied basic services from the State, including health services, education for their children, and housing. Refugee groups report that Afghans live in extreme poverty in groups of makeshift communities on the outskirts of villages.

The UNHCR estimates that there are about 580,000 Iraqi Kurdish and Arab refugees in the country. Many of these Iraqi refugees originally were expelled by Iraq at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In many of these cases, both the Iraqi and Iranian Governments dispute their citizenship, rendering many of them, in effect, stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990.

Although the Government claims to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis and Pakistanis, it has provided no information about them or allowed 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. The Supreme Leader, the recognized Head of State, is selected for a life term by the Assembly of Experts. The Supreme Leader may also be removed by the Assembly of Experts. 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 represses any attempts to separate state and religion, or to alter the State's existing theocratic foundation. The selection of candidates for elections effectively is controlled by the Government.

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 elected President in May 1997. The Interior Ministry estimated that over 90 percent of the eligible population voted in that election. During the campaign, there was considerable government intervention and censorship. For example, the Council of Guardians reviewed 238 candidates, including a woman, but allowed only 4 individuals to run. Three were clerics; all were men. Khatami won nearly 70 percent of the vote, with his greatest support coming from the middle class, youth, minorities, and women. The election results were not disputed, and the Government did not appear to have engaged in fraud.

The Government in 1997 nullified results from the 1996 Majles elections in several districts, including Malayer, Astara, and Isfahan.

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.

In February 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 do not appear to have been granted the autonomy or authority that would make them effective or meaningful local institutions; doing so could be viewed as a threat to the control of the central Government.

Vigorous parliamentary debates take place on various issues. Most deputies are associated with powerful political and religious officials, but often vote independently and shift from one faction to another.

Women are underrepresented in government. They hold 13 of 270 Majles seats. There are no female cabinet members. In 1997 President Khatami appointed the first female vice president (for environmental protection) since the 1979 Islamic Revolution, Masoumeh Ebtekar, following his inauguration. Minister of Islamic Culture and Guidance Ataollah Mohajerani appointed a second woman to a senior post, Azam Nouri, when he chose her in 1997 as his Deputy Minister for Legal and Parliamentary Affairs. President Khatami appointed a woman to serve as Presidential Adviser for Women's Affairs.

Christians, Jews, and Zoroastrians elect deputies to specially reserved Majles seats. However, the UN Special Representative noted in his September report frequent assertions that religious minorities are, by law and practice, barred from being elected to a representative body (except to the seats in the Majles reserved for minorities), and from holding senior government or military positions. Religious minorities are allowed to vote, but they may 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 attempt to monitor government restrictions in their field and harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change is curtailed severely by the Government.

International human rights NGO's such as Human Rights Watch (HRW) and Amnesty International, are not permitted to establish offices or conduct regular investigative visits to Iran. Human Rights Watch reported that it was able to send its researcher, an Iranian national, to Iran during the year, but that other HRW staff members and representatives of other human rights NGO's were denied visas.

The ICRC and the UNHCR both operate in the country. However, the Government did not allow the U.N. Special Representative for Human Rights in Iran to visit the country during the year. He was last allowed entry into Iran to gather information for his yearly report in 1996. However, the Special Representative corresponded with government officials during the year, and received several replies to his correspondence.

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. Most observ-

ers believe that these bodies lack independence. The U.N. Special Representative published statistics provided by the IHRC indicating that in the period from March 1998 to March 1999, 1,051 files were opened on the basis of complaints received by the organization. Of those the highest number of complaints were related to the judiciary. Of a total of some 3,000 currently active files, approximately 1,000 were related to women and women's issues. The Special Representative urged that the statistics in the reports of the IHRC be broken down further and that positive trends and best practices be publicized, and that a national action plan for human rights be developed.

In January a newspaper quoted Mohammad Zia'i Far, secretary of the IHRC, as calling for greater information from government authorities regarding the government's investigation into the murders of prominent dissidents and intellectuals in late 1998 (see section 1.a.). The press also reported that the IHRC sought permission from the Special Court for the Clergy to visit imprisoned cleric Mohsen Kadivar in Evin Prison in March (see Section 1.e.). The request reportedly was never answered. In 1998 Ziaei-Far reportedly complained about the use by police of "special detention centers" to conduct coercive interrogations of detainees (see Section 1.c.) and acknowledged widespread human rights violations.

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

In general the Government does not discriminate on the basis of race, disability, language, or social status. The Government does discriminate on the basis of religion and sex.

Women.—Although reported cases of spousal abuse and violence against women occur, the statistics on such reports are not available publicly. Abuse in the family is considered a private matter and seldom is discussed publicly. In May the President's Advisor on Women's Affairs was quoted in the press as stating that "one cannot claim that violence against women does not take place in Iran." The Special Representative noted in his September report the ongoing development by the Government of a "National Action Plan" to address violence against women, which reportedly is to include "legal and judicial measures, a public information campaign, establishment of a women's police college, and an organization for defending women in peril as well as victims of violence." There was no indication when this plan would be complete.

Women have access to primary and advanced education; however, social and legal constraints tend to limit their professional opportunities. Women are represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields, including medicine, dentistry, journalism and agriculture. Women's entry into these and other fields was necessitated by the by loss of male lives in the 1980–88 war between Iran and Iraq. However, many women choose not to work outside the home. A 1985 law enacted by the Government instituted 3 months of paid maternity leave, and 2 half-hour periods per day for nursing mothers to feed their babies. Pension benefits for women were established under the same law, which also decreed that companies hiring women should provide day-care facilities for young children of female employees.

The State enforces gender segregation in most public spaces, and prohibits women 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 are prohibited from attending male sporting events, although this restriction does not appear to be enforced universally. While the enforcement of a conservative Islamic dress codes has varied with the political climate since the death of Ayatollah Khomeini in 1989, what women wear in public is not entirely a matter of personal choice. Women are subject to harassment by the authorities if their dress or behavior is considered inappropriate, and may be sentenced to flogging or imprisonment for such violations. 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 (see Section 6.a.).

Discrimination against women is 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 that was adopted in 1967, which 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 approved a bill that mandated segregation of the sexes in the provision of medical care. The bill provided for women to be treated only by female physicians and men by male physicians and raised questions about the quality of care that women could receive under such a

regime, considering the current imbalance between the number of trained and licensed male and female physicians and specialists.

The minimum legal age of marriage for women is 9, although marriage at that age is rare. All women, no matter the age, must have the permission of their father or a living male relative in order to get married. The law allows for the practice of Siqeh, or temporary marriage, a Shi'a custom in which a woman or a girl can become the wife of a married or single Muslim male after a simple and brief religious ceremony. The Siqeh marriage can last for a night or as little as 30 minutes. The bond is not recorded on identification documents, and, according to Islamic law, men may have as many Siqeh 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 (see Sections 1.a and 1.c.). Under legislation passed in 1983, women have the right to divorce, and regulations promulgated in 1984 substantially broadened the grounds on which a woman may seek a divorce. However, a husband is not required to cite a reason for divorcing his wife. In 1986 the Government issued a 12-point "contract" to serve as a model for marriage and divorce, which limits the privileges accorded to men by custom and traditional interpretations of Islamic law. The model contract also recognized 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 up to the child's father custody of children from earlier marriages. In 1998 the Majles passed a law that granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child (the measure was enacted because of the complaints of mothers who had lost custody of their children to former husbands with drug addictions and criminal records.) Muslim women may not marry non-Muslim men. The testimony of a woman is worth only half that of a man in court (see Section 1.e.). A married woman must obtain the written consent of her husband before traveling outside the country (see Section 2.d.).

Children.—Most children have access to education through the 12th grade (it is compulsory to age 11), and to some form of health care. There is no known pattern of child abuse.

People With Disabilities.—There is no available information regarding whether the Government has legislated or otherwise mandated accessibility for the disabled. However, the Cable News Network reported in 1996 on the harsh conditions in an institution for retarded children who had been abandoned by their parents. 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 the disabled.

Religious Minorities.—Members of all religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing. Applicants for public-sector employment are screened for their adherence to Islam. The law stipulates penalties for government workers who do not observe "Islam's principles and rules." Religious minorities cannot serve in the army, the judiciary, and the security services. 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." Muslims who convert to Christianity also suffer discrimination. Apostasy, or conversion from Islam to another religion, is punishable by death.

The Christian, Jewish, Zoroastrian, and Baha'i minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and public accommodations (see Section 2.d.). For example, members of religious minorities are generally barred from becoming school principals. Muslims who convert to Christianity also suffer discrimination. Apostasy, or conversion from Islam to another religion, may be punishable by death.

University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits the access of most religious minorities to higher education. Applicants for public sector employment similarly are screened for their adherence to Islam.

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits, and incurring heavier punishments than Muslims.

Sunni Muslims encounter religious discrimination at the local level, as do practitioners of the Sufi tradition. Muslims who convert to Christianity also suffer discrimination.

Jewish groups outside Iran noted that the arrest of 13 Jewish individuals in February and March coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hard-line elements of the Government (see Section 2.c.). They also note that the Shirazi Jewish community, one of the oldest remaining Jewish communities outside Israel, had been under close observation by government authorities prior to the arrests and had been warned by the authorities against certain activities, such as the publication in Persian of scriptures and guidelines for the treatment of kosher foods.

In 1993 the U.N. Special Representative Reported the existence of a government policy directive to block the progress of Baha'is (see Section 2.c.).

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. Baha'is are prevented from enrolling in universities. Other Government restrictions have eased; Baha'is currently may obtain ration booklets and send their children to public elementary and secondary schools. Thousands of Baha'is who were dismissed from government jobs in the early 1980's receive no unemployment benefits and have been required to repay the Government for salaries or pensions received from the first day of employment. Those unable to do so face prison sentences (see Sections 1.d. and 2.c.).

National/Racial/Ethnic Minorities.—The Kurds seek greater autonomy from the central Government and continue to suffer from government discrimination. The Kurds' status as Sunni Muslims serves as an aggravating factor in their relations with the Shi'a-dominated government. These tensions predate the Islamic revolution. Kurds often are suspected of harboring separatist or foreign sympathies by government authorities. These suspicions have led to sporadic outbreaks of fighting between the government and Kurdish groups. Human Rights Watch reported in September 1997 that in the wake of the Gulf War and the creation of an autonomous Kurdish zone in northern Iraq, Iranian authorities increased their military presence in Kurdish areas of Iran, which often led to human rights abuses against Kurds. Abuses included destruction of villages, forced migrations, and widespread mining of Kurdish property. In 1994 Iranian government agents killed Dr. Abdul Rahman Gassemlou, a representative of the Kurdish Democratic Party of Iran in Vienna.

In the wake of the February arrest of Kurdish Workers Party leader Abdullah Ocalan in Turkey, Iranian Kurds demonstrated in numerous cities in Iranian Kurdistan. In several instances, security forces suppressed the demonstrations by force. Human rights groups reported at least 20 deaths in the violence and several hundred arrests (see Sections 1.a.,1.c., and 2.b.).

Azeris are well integrated into the Government and society, but complain of ethnic and linguistic discrimination. The Government traditionally has viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan.

Section 6. Worker Rights

a. *The Right of Association.*—The Labor Code grants workers the right to establish unions; however, the Government does not allow independent unions to exist. A national organization known as the Worker's House, founded in 1982, is the sole authorized national labor organization. It serves primarily as a conduit for the Government to exert control over workers. The leadership of the Worker's House coordinates activities with Islamic labor councils, which are 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 function as instruments of government control, although they frequently have been able to block layoffs and dismissals.

In 1991 the Government published a new Labor Code that allowed employers and employees to establish guilds. The guilds issue vocational licenses and help members find jobs.

The Government does not tolerate any strike deemed to be at odds with its economic and labor policies. In 1993 the Parliament passed a law that 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 occur, and apparently in increasing numbers as the economy has worsened. A European-based labor organization that follows Iranian labor issues reported 181 protests and strikes by workers in the period from March 1998 to March 1999. These reportedly included strikes and protests by oil, textile, electrical manufacturing, and metal workers, and by the unemployed.

Newspapers reported in May an "unauthorized rally" by thousands of workers over the Government's labor policies and the poor economy. Instances of late or partial pay for government workers are reportedly common.

There are no known affiliations with international labor organizations.

b. *The Right to Organize and Bargain Collectively.*—Workers do not have the right to organize independently and negotiate collective bargaining agreements. No information is available on mechanisms used to set wages. 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.

c. *Prohibition of Forced or Compulsory Labor.*—The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this does 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. There is no information available on the Government's policy on forced and bonded labor by children.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Law prohibits employment of minors under 15 years of age and places special restrictions on the employment of minors under age 18. Education is compulsory until age 11. 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, in general, night work. Information on the extent to which these regulations are enforced is not available. There is no information available on the Government's policy on forced and bonded labor by children (see Section 6.c.). A 1985 law provides for 3 months of paid maternity leave, and 2 half-hour periods per day for nursing mothers to feed their babies.

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. It is not known if the minimum wages are 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 current poor economic conditions, many middle-class citizens must work two or even three jobs to support their families. The daily minimum wage was raised in March 1997 to $2.80 (8,500 rials). This wage apparently is not sufficient to provide a decent standard of living for a worker and family. Information on the share of the working population covered by minimum wage legislation is not available.

The Labor Code establishes a 6-day workweek of 48 hours maximum, 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 has issued 28 safety directives, and oversees the activities of 3,000 safety committees established in enterprises employing more than 10 persons. Labor organizations outside Iran allege that hazardous work environments are common in Iran, and result in thousands of worker deaths per year. It is not known how well the Ministry's inspectors enforce regulations. It is not known whether workers may remove themselves from hazardous situations without risking the loss of employment.

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

IRAQ*

Political power in Iraq lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995 nondemocratic "referendum" on his presidency, in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared pos-

*The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

sible reprisal for a negative vote. Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkomen, Assyrians, Yazidis, and Armenians. Historically, the religious mix is likewise varied: Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), and Jews (most of whom have emigrated). Civil uprisings have occurred in recent years, especially in the north and the south. The Government has reacted against those who oppose it—or even question it—with extreme repression. The judiciary is not independent, and the President may override any court decision.

The Government's security apparatus includes militias attached to the President, the Ba'th Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The economy was damaged by the Iran-Iraq and Gulf Wars, and Iraq has been under U.N. sanctions since its 1990 invasion of Kuwait. As a result, the economy has been stagnant. Sanctions ban all exports, except for oil sales under U.N. Security Council Resolution 986 and subsequent resolutions (the "oil-for-food" program). Under the program, Iraq also is permitted, under U.N. control, to import food, medicine, and other humanitarian goods for essential civilian needs, as well as spare parts for the oil sector. The Government continued to interfere with the international community's provision of humanitarian assistance to the populace by placing a higher priority on importing industrial items and expensive, sophisticated medical equipment, rather than basic food and medicine, by diverting goods to benefit the regime, and by restricting the work of U.N. personnel and relief workers. The Security Council passed resolution 1284 in December which, among other things, permits Iraq to export as much oil as required to meet humanitarian needs under the U.N. oil-for-food program.

The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily perceived political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of—or related to persons suspected of—economic crimes, military desertion, and a variety of other activities. Iraqi military operations continued to target Shi'a Arabs living in the southern marshes. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are poor. 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 judiciary is not independent. The Government continued to infringe on citizens' privacy rights. The Government has made use of civilians, including small children, as "human shields" against military attacks.

The Government severely restricts freedom of speech, press, assembly, association, religion, and movement. The U.N. Commission on Human Rights Special Rapporteur for Iraq, Max van der Stoel, who resigned in October, confirmed in his February and October reports that these freedoms do not exist, except in some parts of the north under the control of Kurdish factions. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to Iraq, the Special Rapporteur based his reports on the Government's human rights abuses on interviews with recent emigres from Iraq, interviews with opposition groups and others that have contacts inside Iraq, and on published reports. The Special Rapporteur concluded that the political and legal orders were "not compatible with respect for human rights," and that it entailed "systematic and systemic violations throughout the country, affecting virtually the whole population." Violence and discrimination against women are common. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts worker rights, child labor persists, and there were instances of forced labor.

Kurdish groups committed abuses against civilians in the north.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—The Government committed numerous political and other extrajudicial killings. The Government has a long record of

executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all report a heightened number of summary executions in Iraq since 1997, assertions that are supported in detail by several sources in Iraq. The Special Rapporteur has stated that "the country is run through extrajudicial measures." The list of offenses requiring a mandatory death penalty has grown substantially in recent years and now includes anything that could be characterized as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Special Rapporteur also noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'th Party. "The mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty," the Special Rapporteur stated. Government killings occurred with total impunity and without due process.

The regime periodically eliminated large numbers of political detainees en masse. During the year, the Special Rapporteur continued to receive reports referring to a "prison cleansing" execution campaign taking place in Abu Ghraib and Radwaniyah prisons. Opposition groups alleged that all political prisoners with sentences of more than 15 to 20 years were subject to summary execution. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), the Iraqi National Congress (INC), and others with a network inside the country provided detailed accounts of summary executions, including the names of hundreds of persons killed.

In mid-January, Saddam Hussein's son Qusay Hussein ordered the execution of three senior military officers. According to Shi'a opposition sources, 27 members of the Fedayeen Saddam were executed in January. Authorities delivered the bodies to the families on the festival of Eid Al-Fitr (the end of the holy month of Ramadan). On February 23, officers suspected of plotting a coup were executed. Amnesty International reported that seven high-ranking officers who commanded Iraqi forces during the Gulf War were executed in March. Scores of persons also were tortured, then summarily executed, on suspicion of participating in demonstrations in Basra on March 17. The executions reportedly were carried out under the direct supervision of senior government authorities, including Ali Hassan Al-Majid, Ahmed Ibrahim Hamash, and Abdul Baqi Al-Saadoon. Authorities executed a 70-year-old blind man and seven of his eight sons early in the year after announcing that the eighth son, who had fled the country, was suspected in the 1996 attempt on the life of Uday Hussein, Saddam Hussein's oldest son. Another suspect and the suspect's father also were arrested and executed. The families of those executed were required to recover the bodies one-by-one over a 10-day period. The houses of those executed were demolished several days later (see Section 1.f.). In April 58 political prisoners were executed at Abu Ghraib Prison, and an additional 26 were killed there in August. In August security forces executed five young men from areas of Kirkuk where antiregime leaflets were distributed (see Section 1.d.). The Center for Human Rights of the Iraqi Communist Party reported the September execution of 11 political dissidents held since the March 1991 uprising following the Gulf War. On October 12, 123 prisoners were executed at Abu Ghraib prison. Of that number, 19 were held and executed due to their political beliefs. The remaining 104 were executed for common crimes. A senior retired officer and two other serving officers reportedly were executed on November 22 on charges of treason and conspiracy. Retired Major General Abd Al-Karim Al-Hamadani was said to have criticized the central Government for the country's involvement in the war with Iran and invasion of Kuwait. No information was disclosed concerning the accusations against Lieutenant Colonel Falah Hamdan Al-Dulaymi and Lieutenant Colonel Ahmad Battah Al-Dulaymi. The Iraqi Communist Party reported in December that 40 military officers were executed by firing squad on the orders of Ali Hassan Al-Majid (often referred to as "Chemical Ali" for his role in the chemical weapon mass murder of Kurds in the 1980's). Sources inside Iraq reported in March that 93 prisoners had been executed at Radhwaniyah prison in November 1998. A further 96 political detainees, including 22 military officers, plus an additional 23 prisoners charged with common crimes such as theft, were executed at Abu Ghraib prison in December 1998.

The Government's motive for so many summary executions—estimated to be between 2,500 and 3,000 since 1997—is not known, although intimidation of the population and reduction of prison populations often are reported. There are persistent reports that Uday Hussein has remained active in carrying out extrajudicial killings. 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, mili-

tary, and tribal leaders. For example, five Republican Guard officers accused of preparing to kill Qusay Hussein reportedly were executed in November. Colonel Ibrahim Jasim, Lieutenant Colonel Abd Al-Sattar Khalaf, Captain Ali Husayn, Captain Dauwd Muhammad, and Captain Umar Abd Al-Razzaq Al-Baydi were killed by a firing squad on November 29. A sixth alleged coconspirator, retired General Muhammad Qasim, reportedly committed suicide by drinking poison.

The Special Rapporteur received detailed information concerning what he has called "political killings," described as the preplanned killings of individuals carried out by government agents. Following the 1998 killings of two internationally respected religious scholars, Grand Ayatollah Sheikh Mirza Ali Al-Gharawi, age 68, and Ayatollah Sheikh Murtada Al-Burujerdi, age 69, the Special Rapporteur expressed his concern in a letter to the Government that the murders might be part of a systematic attack by Iraqi officials on the independent leadership of Shi'a Muslims in Iraq. The Government did not respond and the attacks continued. On January 6, Grand Ayatollah Sheikh Bashir Hussain Al-Najafi and members of his seminary were attacked while performing religious duties. A grenade thrown at them killed three persons. Although wounded, Al-Najafi survived the attack.

On February 19, for the third time in less than 12 months, another leading Shi'a cleric and two of his sons were killed. Ayatollah Mohammad Sadeq Al-Sadr and his sons, Hojjatue Al-Islam Al-Sayyid Mostafa Al-Sadr and Al-Sayyid Mu'ammai Al-Sadr, were shot in a car as they left a prayer session (see Section 2.g.). Al-Sadr's death was widely attributed to the Government because he was killed immediately after leading Friday prayers, despite an order not to do so issued by the Central Euphrates Region Military Governor and Revolutionary Command Council member Mohammad Hamza Al-Zubeidi. Shortly before he was killed, the Ayatollah spoke against government restrictions on religious freedom. He also had been interrogated by the security services on several occasions.

Several weeks later, the Government executed 12 persons who were allegedly responsible for the deaths of the clerics. One of those executed, after purportedly having confessed to the February murder of Al-Sadr, reportedly had been in detention since the end of December 1998. According to a report submitted to the Special Rapporteur in September, another of Al-Sadr's sons, Sayyid Muqtada Al-Sadr, was arrested later in the year along with a large number of theological students who had studied under the Ayatollah. Nineteen followers of Al-Sadr reportedly were executed toward the end of the year, including Sheikh Muhammad Al-Numani, Friday imam Sheikh Abd-Al-Razzaq Al-Rabi'i, assistant Friday imam Kazim Al-Safi, and students from a religious seminary in Al-Najaf.

In October the regime reportedly executed novelist Hamad Al-Moukhtar at Abu Ghraib prison after he spent several months in jail. A group of exiled dissident writers, including poet Sa'adi Youssef and literary critic Yassin Al-Nassir, said Moukhtar was arrested after he held a funeral for Al-Sadr.

Another killing believed to be politically motivated included that of Intelligence Chief Rafa Daham Mujawwal Al-Tikriti, Saddam Hussein's second cousin and the former Iraqi ambassador to Turkey. Rafa died October 11, 3 days after he was removed from his post. Government explanations for his death included both that he had died in a car crash and that he had suffered a heart attack. Some opposition sources said Rafa was killed for failing to protect information about Iraq's military deals with Russia, although others asserted that Rafa's reputed rivalry with Uday Hussein was a factor that led to his death.

The Government apparently revived its prior use of thallium poisoning as a means of killing political opponents. Although not widely used in recent years, the use of slow-acting poisons such as thallium (a radioactive substance that can be dissolved in drinking water) was a preferred method of political killing in the late 1980's and early 1990's. Observers attributed the August 29 death of Iraq's chief architect Husam Bahnam Khuduri and the August attempted murder of Salahadeen University president Hamed Idris to political plots. Khuduri had extensive knowledge about the construction of Saddam's palaces, tunnels, and bunkers. While the official obituary did not state a cause of death, acquaintances reported that Khuduri showed signs of being under the effect of slow-acting poison during the days before he died. Similarly, Salahadeen University president Idris, long active in human rights circles, also developed signs of the effects of a slow-acting poison in August. Laboratory tests conducted outside Iraq confirmed the presence of thallium in his system. Because the attempted murder of Idris occurred outside of central government control in northern Iraq, he was able to obtain medical attention, and he survived. Other suspected thallium-poisoning cases include those of former Security director Abd Al-Rahman Ahmad Al-Duri, who reportedly was dying of thallium poisoning in December, and former Security director Taha Al-Ahbabi (Al-Duri's successor), who died mysteriously in 1998.

Construction engineer Hasin Aslan was tortured to death in December due to suspicion that he tried to smuggle palace tunnel plans out of the country, according to a report by the Supreme Council for the Islamic Revolution in Iraq (SCIRI).

Reports of death due to poor prison conditions continued (see Section 1.c.). Many persons who were displaced forcibly still live in tent camps under harsh conditions, which results in many deaths (see Sections 2.d. and 5).

As in previous years, the regime continued to deny the widespread killings of Kurds in northern Iraq during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and Human Rights Watch have concluded that the Government's policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in northern Iraq. For example, Farhat Farag, a Kurdish political activist in the Revolutionary Communist Party, was killed in front of his home in Sulaymaniyah on October 17. Abdullah Mushir Panhani, a member of the Iranian Communist Party Komala, was abducted and shot on October 22, and his body was left on the streets of Irbil. An attempt on the life of Sulaymaniyah University professor Suhayb Amin Hawzheen failed in December. The perpetrators were unknown at year's end.

Many Assyrian groups reported a series of bombings in Irbil in December 1998, and in January and December. On December 15, a bomb killed 60–year-old Habib Yousif Dekhoka in front of his store (see Sections 1.g. and 5).

On June 19, the Assyrian International News Agency (AINA) reported that the partially decomposed body of Helena Aloun Sawa, a 21-year-old Assyrian woman missing since early May, was discovered by a shepherd in a shallow grave near Dohuk dam. Her family reportedly suspected that she was raped. Sawa was a housekeeper for Kurdistan Democratic Party (KDP) Political Bureau member Izzeddin Al-Barwari. Reporting that the KDP offered no assistance in searching for Sawa and that Al-Barwari had intimidated the family into not pursuing an investigation, AINA concluded that the murder "resembles a well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in northern Iraq. It reported that Sawa had been coerced into working for Al-Barwari to restore to her family a KDP pension that had been suspended arbitrarily. The pension had been awarded because of the recognition of Sawa's father as a KDP martyr after he was killed in the uprising against the Iraqi regime in 1991.

However, on June 21, a spokesperson for the Kurdistan Regional Government (KRG) announced that the Dohuk police Homicide Division and the Dohuk General Security Department were investigating the Sawa murder. A subsequent KRG statement indicated that there did not appear to be a "political or racial" motive. The KRG noted that the Al-Barwari family had reported last seeing Sawa when she left Dohuk on her way to a vacation at her family village in the Nerwa O Rakan area, and that Al-Barwari had been in Damascus, Syria at the time. Nevertheless, Al-Barwari was suspended from official KDP duties pending the conclusion of the investigation. At the end of June, KDP President Massoud Barzani decided to appoint a three-member commission to further investigate the killing. No results of that investigation were reported by year's end.

b. *Disappearance.*—The Special Rapporteur continued to receive reports of widespread disappearances. In some cases, individuals have disappeared while in government custody. For example, the status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds still are missing in the aftermath of the brief Iraqi military occupation of Irbil 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.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, still are unaccounted for. Sources inside the country reported the existence of special prison wards that hold individuals whose whereabouts, status, and fate may not be not be inquired into (see Section 1.c.).

The Government continued to ignore the more than 15,000 cases conveyed to it in 1994 and 1995 by the United Nations, as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from Iraq's 1990–91 occupation of Kuwait, and from Iran on the whereabouts of prisoners of war that Iraq captured in the 1980–88 Iran-Iraq war.

The United Nations has documented over 16,000 cases of persons who have disappeared. According to the Special Rapporteur, there continued to be a high number of disappearances reported to the United Nations. The majority of the 16,496 cases known to the Special Rapporteur are persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. He estimated that the total number of Kurds who disappeared during that period could reach the tens of thousands. Human Rights Watch estimates the total at between 70,000 and 150,000, and Amnesty Inter-

national at more than 100,000. The second largest group of cases known to the Special Rapporteur consist of Shi'a Muslims, who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry.

In a 1997 report, Amnesty International documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz Al-Sayyid Jassem, Sayyid Muhammad Sadeq Muhammad Ridha Al-Qazwini, Mazin Abd Al-Munim Al-Samarra'i, the six Al-Hashimi brothers, the four Al-Sheibani brothers, and numerous persons of Iranian descent or of the Shi'a branch of Islam. The report concludes that few of these victims became targets of the regime for any crime; rather, they were arrested and held as "hostages" in order to force a relative, who may have escaped abroad, to surrender. Others were arrested due to their family link to a political opponent or simply due to their ethnic origin (also see Section 1.f.).

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the 1991 arrest of the late Grand Ayatollah Abdul Qasim Al-Khoei 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 Government refuses to respond to queries regarding their status. Similarly, Amnesty International identified a number of Ayatollah Sadeq Al-Sadr's aides who were arrested in the weeks prior to his killing in February (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remain unknown. In its November report, Amnesty International identifies eight aides of Al-Sadr who disappeared.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the persons who disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Trilateral Commission on Gulf War Missing, only 3 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. Iran reports that 5,000 Iranian prisoners from the Iran-Iraq War are unaccounted for by Iraq.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands of other Iraqis in incommunicado detention (see Sections 1.c., 1.d., and 1.e.).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, the security services routinely and systematically tortured detainees. According to former prisoners, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, pulling out of fingernails, burning with hot irons, suspension from rotating ceiling fans, dripping 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 often was apparent when security forces returned the bodies of mutilated torture victims to their families. There are persistent reports that the families are made to pay for the costs of the execution. Iraqi refugees who arrive in Europe often reported instances of torture to receiving governments, and displayed scars and mutilations to substantiate their claims. Amnesty International noted that Iraqi authorities have failed to investigate these reports.

The Special Rapporteur continued to receive reports that arrested persons routinely are subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur has expressed concern about cruel and unusual punishments prescribed by the law, including amputations and brandings. The Special Rapporteur received a report that six members of a commando unit that was accused of looting had their hands amputated by order of Uday Hussein in August 1998. An army deserter who also was involved in the alleged banditry was ordered to be punished in the same manner.

The Special Rapporteur, human rights organizations, and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. The security forces allegedly raped women who were captured during the Anfal Campaign and during the occupation of Kuwait. The Government has never acknowledged these reports, conducted any investigation, or taken action against those who committed the rapes.

A former Iraqi international soccer player stated in August that he and his teammates had been tortured on Uday Hussein's orders for not winning matches. Sharar Haydar Mohamad Al-Hadithi, who played for Iraq in international tournaments including in the 1988 Seoul Olympics, said that he was subjected to beatings on the soles of his feet, dragged shirtless through a gravel pit, then made to jump into sewage to cause infection. He also was subjected to sleep deprivation and beatings during periods of detention in the infamous Al-Radwaniya prison. His claims of brutality were supported by Uday Hussein's former private secretary and press spokesman Abbas Janabi who described watching members of the national soccer team being forced to kick a concrete ball on the grounds of Al-Radwaniya prison after they failed to qualify for the 1994 World Cup.

KDP forces reportedly entered Assyrian villages on different occasions and beat villagers (see Section 2.d.). Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years (see Section 5).

Prison conditions are poor. Overcrowding is 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 after the interview, and the government-owned daily newspaper Babel reiterated the Government's longstanding claim that it holds virtually no prisoners. It is unclear to what extent the mass executions committed pursuant to the "prison cleansing" campaign have reduced overcrowding (see Section 1.a.).

Certain prisons are notorious for routine mistreatment of prisoners. Abu Ghraib prison, west of Baghdad, may hold as many as 15,000 persons, many of whom reportedly are subjected to torture. Al-Rashidiya prison, on the Tigris River north of Taji, reportedly has torture chambers. The Al-Shamma'iya prison, located in east Baghdad, holds the mentally ill and reportedly is the site of both torture and disappearances. The Al-Radwaniyah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). This prison was the principal detention center for persons arrested following the civil uprisings of 1991. Human Rights Watch and others have estimated that Radwaniyah has held more than 5,000 detainees. 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 stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state: that is, those whose status, fate, or whereabouts may not be inquired into.

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the Iran-Iraq war, reportedly are being held incommunicado at the Abu Ghraib prison. According to a report received by the Special Rapporteur in 1998, these persons have been detained for close to 2 decades in extremely harsh conditions without specific charges or trials. The report states that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical and biological weapons programs.

Reports of deaths due to poor conditions in prisons and detention facilities also continued during the year. According to the U.N. Special Rapporteur, many prisoners in Amarah province were reportedly near death because of lack of adequate food and health care.

The Government does not permit visits by human rights monitors.

Iraqi Kurdish regional officials reported that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. Regular and consistent improvement in conditions were observed on their weekly prison visits, ICRC officials stated. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan (PUK) reported that they had reached agreement for the mutual release of political prisoners; however, no such release occurred.

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 Amnesty International report entitled "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in recent years because of suspected opposition activities or because they are related to persons sought by the authorities. Those arrested often are taken away by plainclothes security agents who offer no explanation or produce no warrant to the person or family members (see Section 1.f.). No legal representation or access by an arrested person's family is permitted.

In most cases, family members do not know the whereabouts of those detained and do not make inquiries due to fear of reprisal. Many persons are taken away in front of family members who hear nothing further until days, months, or years later, when they are told to pick up the often-mutilated corpse of their loved one. There were also reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Sections 1.d. and 1.f.).

Mass arbitrary arrest and detention often occurs in areas where antigovernment leaflets have been distributed. For example, on August 14, following the August 12 distribution of antiregime leaflets by unknown persons in several districts of Kirkuk, security forces raided homes in the area and took away the young men in the families. Three days later, five of those detained were executed and their bodies were returned to their families.

Other arrests have no apparent basis. For example, on July 28, Ahlam Khadom Rammahi, a housewife who left Iraq in 1982, traveled from London using her British passport to visit her mother, whom she had not seen since 1982 and who was ill. Authorities arrested Rammahi on August 5. No reason was stated for the arrest, nor were her family members told of her whereabouts. Amnesty International reported that Ahlam was released September 7 as a result of international pressure. She managed to rejoin her family in the United Kingdom thereafter. According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remain in detention.

Following assaults by the Government on the Shi'a residents of the Al-Thawra district in Baghdad, more than 600 residents reportedly were arrested in security sweeps (see Section 1.g.).

In September Uday Hussein reportedly jailed four members of the Iraqi National Students Union for not carrying out his orders to take action against students known for their criticism of the situation in the country (see Sections 2.a. and 6.a.).

The Government reportedly continued to target the Shi'a Muslim community for arbitrary arrest and other abuses. In the weeks preceding the February 19 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested and their whereabouts remain unknown (see Sections 1.a. and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing (see Section 1.g.). According to a report submitted to the Special Rapporteur in September, the later arrests included Sayyid Muqtada Al-Sadr, surviving son of Ayatollah Al-Sadr. Amnesty International reported that those arrested prior to the killing included: Sheikh Awus Al-Khafaji, Sheikh As'ad Al-Nassiri, Sheikh Ahmad Al-Nassiri, Sheikh Al-Sayyid Adnan Al-Safi, Sheikh Ala Al-Baghdadi, Sheikh 'Aqil Al-Mussawi, Sheikh Tahsin Al-Abbudi, and Sayyid Hazem Al-A'raji.

In the large-scale assaults against Shi'a reported by several sources throughout the year (see Section 1.g.), many thousands of persons reportedly were arrested arbitrarily. The Human Rights Organization in Iraq (HROI) reported that 1093 persons were arrested in Basrah in June alone (see Section 1.g.). The Government also continued the forced internal relocation of Shi'a populations from the south to the north, and other minority groups such as Kurds, Assyrians and Turkomen, to Kurdish-controlled territory in the north (see Sections 1.f., 2.d., and 5). Thousands of Gulf War refugees who sought haven in Baghdad were relocated forcibly to their home provinces (see Sections 1.f. and 2.d.).

Although no statistics are available, observers estimate the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

The Government announced in June a general amnesty for Iraqis who had left the country illegally or were exiled officially for a specified time, but failed to return after the period of exile expired (see Section 2.d.). No Iraqis are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens are fearful of returning to Iraq.

2e. *Denial of Fair Public Trial.*—The judiciary is not independent, and there is no check on the President's power to override any court decision. The Special Rapporteur and international human rights groups all observed during the year that the repressive nature of the political and legal systems precludes application of the rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two 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 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 hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. Many cases appear 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. There are no Shari'a (Islamic law) courts as such. Regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases which, on their 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 government 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 Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honor crimes," that is, kill female family members for a perceived lack of chastity (see Section 5). A 1992 decree grants immunity from prosecution to members of the Ba'th Party and security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials.

The personal whim of Saddam Hussein or one of his sons supersedes any legal proceedings. For example, according to a November Amnesty International report, Uday Hussein had a security guard's right hand cut off in front of other staff members at the National Olympic Committee's headquarters in 1996. The guard was accused when some sports equipment was missing from a warehouse while he was on duty outside the building. The amputation was carried out without a trial. When the equipment was located in another warehouse 3 weeks later, Uday Hussein reportedly ordered that the guard be compensated with $300 (500,000 dinars).

Because the Government rarely acknowledges arrests or imprisonments, and families are afraid to talk about arrests, it is difficult to estimate the number of political prisoners. Many of the tens of thousands of persons who disappeared or were killed in recent years originally were held as political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities effectively are exempt from the legal requirement to obtain search warrants, and searches without warrants are commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts from outside the country, including those of opposition groups. The security services and the Ba'th Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public.

Interior Minister Muhammad Zamam Abdul Razzak announced on November 28 that more than 4,000 families (approximately 24,000 individuals) that sought refuge in Baghdad after the 1991 Gulf War, were expelled from the city, and that more expulsions were likely. Most of those expelled had come to Baghdad from the governates of Wasit (in the east), Maysan and Dhi Qar (in the south), and Al-Qadisiyah (in the center of the country).

In Kirkuk the regime periodically sealed off entire districts and conducted daylong, house-to-house searches, evidently as part of its "Arabization" campaign to harass and expel ethnic Kurds and Turkomen from the region (see Sections 2.d. and 5). Government officials also take hostage children from families of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5).

The authorities systematically hold family members and close associates responsible for the alleged actions of others (see Sections 1.a., 1.b., 1.d., and 1.g.) For example, Amnesty International reported that plainclothes security forces abducted 70-year-old lawyer Ibrahim Amin Al-'Azzawi from his home on March 23, reportedly in connection with the detention of his son-in-law, Riyadh Baqer Al-Hilli, who was taken away the evening before on suspicion of involvement with antigovernment activities. Ibrahim was executed on July 11, despite reports that he was not involved with opposition activity.

As part of its policy, the authorities demolished the houses and detained and executed family members of Shi'a who protested government actions (see Section 1.g.).

Early in the year, a 70-year-old blind man and seven of his eight sons were executed after the eighth son fled the country (see Section 1.a.).

The Special Rapporteur noted that "guilt by association" is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, relatives who do not report deserters may lose their ration cards for purchasing government-controlled food supplies, be evicted from their residences, or face the arrest of other family members. Relatives often even do not inquire about the whereabouts of arrested family members due to fear of being arrested themselves. Conscripts are 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. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 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).

In the fall, the Special Security Office reportedly increased 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 the October Iraqi National Congress assembly in New York. The London Sunday Telegraph reported in August that the 21-year-old daughter of London-based defector and former Republican Guard commander General Mohammed Ali Ghani was arrested in Baghdad and was being held to coerce Ghani to kill senior opposition leader Ayad Alawi, who was also in London. Iraqi agents reportedly threatened to torture Ghani's daughter if he failed to comply. Ghani attempted suicide, but survived. He later distanced himself from opposition circles, the newspaper reported.

g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts.—As in previous years, the armed forces conducted deliberate artillery attacks against Shi'a civilians and large-scale burning operations in the southern marshes. In 1991 and 1992, the Gulf War allies imposed "no-fly zones" over northern and southern Iraq respectively. The no-fly zones continued to deter aerial attacks against the marsh dwellers in southern Iraq and the residents of northern Iraq, limiting the Government to ground-based assaults.

Military operations against Shi'a civilians, particularly in southern Iraq, continued throughout the year. Sheikh Awas, imam of the Nasiriyah city mosque, was arrested on January 14, according to a report from the Supreme Council for the Islamic Revolution in Iraq. When Awas did not appear to lead Friday prayers the next day, his deputy went to the Nasiriyah security directorate to plead for Awas's release. Soon afterward, hundreds of Shi'a congregation members marched on the security directorate to demand Awas's release. Security forces allegedly opened fire on the unarmed crowd with automatic weapons and hand grenades. Five persons were killed, 11 wounded, and 300 arrested.

Following the February 19 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons (see Section 1.a.), there were widespread reports of military assaults on protesters in areas of Baghdad heavily populated by Shi'a, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra, in which hundreds of persons were killed. While a funeral for Al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Novelist Hamad Al-Moukhtar reportedly was executed after several months in prison following his detention for holding a funeral for Al-Sadr (see Section 1.a.). Government security forces used excessive force in breaking up these illegal gatherings. For example, in the impoverished Shi'a district of Al-Thawra in Baghdad, a crowd of tens of thousands was attacked by government security forces using automatic weapons and armored vehicles, which resulted in the deaths of approximately 25 mourners (although estimates ranged up to 400) including, according to one report, the imam of the Al-Thawra mosque. Fifty persons reportedly were wounded seriously and about 250 persons were arrested, including 15 religious scholars. In a related incident, 22 persons reportedly were killed in the Shu'la district of Baghdad. Afterwards, more than 600 Shi'a residents of Al-Thawra reportedly were arrested arbitrarily in security sweeps (see Section 1.d.).

Outside Baghdad "illegal" assemblies of Shi'a took place in most of the major cities of the south in reaction to the Al-Sadr killing, according to many Shi'a sources. Ali Hassan Al-Majid, the military "supergovernor" for southern Iraq, reportedly declared martial law throughout the region. On February 20, 22 persons reportedly were killed in the Suq As-Shuyukh area of Nasiriyah when security forces attempted to disperse mourners from three mosques who gathered in the marketplace. When the crowds could not be forced to disperse, the army reportedly surrounded the city and shelled its center, which killed 17 more persons. Shi'a sources reported

that 10 to 20 armored personnel carriers then entered the city, sealed off the marketplace, and caused a stampede within the crowd, which resulted in further injuries and deaths.

Other Shi'a sources report that on the same day, the city of Najaf was surrounded by government troops. The news of Al-Sadr's death and government suppression of mourning activities incited demonstrations in Karbala and Basra. Several Shi'a sources report that in Amara, Sheikh Ali As-Sahalani, the imam of the Majar Al-Kabir mosque, was shot and killed along with other mourners; the enraged crowd then reportedly seized control of the city for a short period of time. Nine demonstrators reportedly were executed in Ramadi. The chief Shi'a clerics of Basra and Nasiriyah reportedly were arrested to prevent them from leading religious gatherings.

The Iraqi Communist Party and other Shi'a groups reported large-scale protests in Basra in March when Government authorities sought to prevent Shi'a gatherings by forbidding Friday prayer gatherings. According to these reports, security forces under Ali Hassan Al-Majid attacked the marchers, which resulted in many deaths and detentions, including 70 persons who were detained in the Abu Sakhair region of Basra, 100 in the Hayaniyh district, 40 in the Dor Ad-Dubat area, 85 in the Jumhuriya district, and an unspecified number in the Khamasiya district. A large number of those detained reportedly were executed summarily under the direct supervision of senior government officials, including Al-Majid and Basra governor Ahmed Ibrahim Hamash. Opposition sources reported that Al-Majid ordered the execution of 180 persons on March 21 and 56 persons on March 23. The Special Rapporteur reported that many of those executed were buried in a mass grave in Buresiyya district, about 12 miles from Basra. As part of its policy, the authorities demolished the houses and detained the family members of protesters (see Section 1.f.).

In Najaf 15 persons reportedly were wounded and hundreds arrested in early April while they commemorated the 40-day anniversary of Al-Sadr's death; such a commemoration is a traditional Islamic religious observance. On April 16, dozens of unarmed protesters (some reports indicate hundreds) allegedly were killed in street gatherings in the Al-Thawra district of Baghdad after the Security Services prohibited Shi'a worshipers from attending Friday prayers. After the closure announcement, a large unarmed crowd reportedly gathered at the entrance of the Hikmat mosque in the Jawadir section of Thawra, which was guarded by Ba'th party members. At the same time, a smaller group—in which some individuals were armed—gathered in the Sharkat neighborhood nearby. When shooting began between security forces and the Sharkat group around noon, the Ba'th Party members fired on the unarmed group at the Hikmat mosque. The SCIRI reports that regime forces later opened fire at another crowd that had formed outside the Abbas Mosque near the Al-Thawra Children's Hospital. Thousands of Shi'a men reportedly were arrested in security sweeps in Basra that month.

From May 19 to May 27, the Al-Fatah Al-Mubaeen forces of the Special Republican Guards and the Ba'th Party militia under the command of Aziz Salih Al-Noman, reportedly conducted operations in the Jazirah region of Kut, Amarah, and Nasiriyah provinces. The local resistance forces reported that it repelled the attack. On June 5, the village of Al-Maeil in Meisah province reportedly was attacked and 15 houses were destroyed. The HROI reported that 1,093 persons were arrested in June in Basra alone.

Numerous opposition sources reported that tanks from the Hammourabi Republican Guards Division attacked the towns of Rumaitha and Khudur in late June and well into July, after residents protested the systematic maldistribution of food and medicine to the detriment of the Shi'a. The military cut off the water and electricity supplies and surrounded the town. Fourteen villagers were killed, over a hundred were arrested, and 40 homes reportedly were destroyed. According to the SCIRI, 160 homes in the Abul Khaseeb district near Basra were destroyed. The Government also returned the bodies of executed family members who were arrested in the March protests in Basra. In some instances, all the male children from a family reportedly were arrested and killed, even though not all took part in the protests. Authorities razed 160 homes in the village of Al-Masha following tribal assaults against security forces. The security forces came under attack when they attempted to arrest persons they believed were involved in the Basra uprisings. In September authorities reportedly conducted a large-scale campaign of arrests in and around Baghdad and other cities following attacks on party officials and the appearance of antiregime slogans written on walls of schools and official institutions. Reports of government assaults on cities continued throughout the year.

The practice of the security services to force large numbers of Shi'a inhabitants of the southern marshes to relocate to major southern cities and to areas along the

Iranian border probably is connected to the destruction of villages. Special Rapporteur van der Stoel described this practice in his February report, and added that many other persons were transferred to detention centers and prisons in central Iraq, primarily in Baghdad.

The military also continued its water-diversion and other projects in the south. Observers gave little credence to the Government's claim that the drainage is part of a land reclamation plan to increase the acreage of arable land and spur agricultural production. Hundreds of square miles have been burned in military operations. The U.N. Special Rapporteur has noted the serious detrimental impact that draining the marshes has had on the culture of the Shi'a marsh Arabs. The SCIRI claims to have captured government documents that detail the destructive intent of the water-diversion program and its connection to "strategic security operations," economic blockade, and "withdrawal of food supply agencies."

In addition the regime's diversion of supplies in the south limited the Shi'a population's access to food, medicine, drinking water, and transportation. According to the U.N. Special Rapporteur and opposition sources, thousands of persons in Nasiriyah and Basra provinces were denied rations that should have been supplied under the U.N. oil-for-food program. In these provinces and in Amarah province, access to food allegedly is used to reward regime supporters and silence opponents. Shi'a groups report that, due to this policy, the humanitarian condition of Shi'a in the south continued to suffer despite a significant expansion of the oil-for-food program.

The Government 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 2.d. and 5).

Landmines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War; however, the army failed to clear them before it abandoned the area. The mines appear to have been planted haphazardly in civilian areas. Landmines are also a problem along the Iraq-Iran border throughout central and southern Iraq. There is no information on civilian casualties or the efforts, if any, to clear old mine fields in areas under the central Government's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples Aid, over 3,000 persons have been killed in the three northern governates since the 1991 uprising. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Land Mines Protocol to protect civilians from the effects of mines. Various nongovernmental organizations (NGO's) continued efforts to remove land mines from the area and increase awareness of the mine problem among local residents. In December 1998, the Government declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave Iraq. On April 26, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed by an unknown assailant who first asked for water and then fired three times at close range.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the Iraqi regime—deliberate killing, torture, rape, pillage, hostage-taking, and associated acts—as directly related to the Gulf War. Many governments continue to urge the U.N. Security Council to establish an international commission to study evidence of a broader range of war crimes, as well as crimes against humanity and possible genocide. Human Rights Watch and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

The regime continued its intermittent shelling of villages in the Kurdish administered north. Some deaths were reported.

No hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. During the year, the KDP reportedly imposed a blockade on Assyrian villages, and later entered the villages and beat villagers (see Sections 1.c. and 2.d.). The Kurdistan Democratic Party and the Patriotic Union of Kurdistan agreed in September 1998 to unify their administrations. Little progress was made toward implementing the 1998 agreement.

Many Assyrian groups reported a series of bombings in December 1998, and January and December 1999. Assyrian groups criticized the investigation into these crimes by the Kurdish authorities (see Sections 1.a. and 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 "in compliance with the revolutionary, national, and progressive

trend;" however, in practice the Government does not permit freedom of speech and of the press to exist, and does not tolerate political dissent in areas under its control. The Special Rapporteur stated that the Government had "effectively eliminated" the freedoms of thought, expression, association, and assembly, and 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."

The Government and the Ba'th Party own all print and broadcast media, and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed, either domestically or abroad. A Freedom House report rated Iraqi press freedom at 98 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 government 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.

According to the Special Rapporteur, journalists are under regular pressure to join the Ba'th party and must follow the recommendations of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (see Section 6.a.). At the same time, the value of awards granted to writers who praised Saddam Hussein increased. According to a September report, Uday Hussein jailed at least four leaders of the Iraqi National Students Union for not carrying out his orders to take action against students known for their criticism of the situation in the country (see Sections 1.d. and 6.a.). Also in September, journalist and Baghdad University professor Hachem Hasan was arrested after declining an appointment as editor of one of Uday Hussein's publications (see Section 1.d.). The Paris-based Reporters Sans Frontieres sent a letter of appeal to Uday Hussein; however, Hasan's fate and whereabouts remain unknown.

The Ministry of Culture and Information periodically holds meetings at which general guidelines for the press are provided. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens. Many Western news services are represented in Baghdad by bureaucrats who are based in the Ministry of Information and Culture.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with proregime propaganda to Kurdish regions; the Kurds routinely remove propaganda items from the books. In October 1997, the Minister of Education stated that he had "warned these cliques that we hold them responsible" for altering the books.

The Government regularly jammed foreign news broadcasts (see Section 1.f.). Satellite dishes and fax machines are banned, although some restrictions reportedly were lifted toward the end of the year. The penalty for possessing a satellite dish reportedly was an indefinite term of imprisonment in solitary confinement and confiscation of all household effects. However, in mid-November the Government announced that ownership of satellite dishes would be permitted and that certain accredited journalists would be permitted to use fax machines.

In northern Iraq, many independent newspapers have appeared over the past 7 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Iraqi Kurdish authorities; however, most journalists are influenced or controlled by various political organizations. Although the rival Kurdish parties in northern Iraq, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution of the opposing group's newspapers and other literature.

The Government does not respect academic freedom and exercises strict control over academic publications. University staff are hired and fired depending on their support for the Government.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Except in Kurdish-controlled northern areas, citizens legally may not assemble other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial in-

centives for those who participate and threats of violence against those who do not. Widespread military and paramilitary attacks on persons who violated restrictions on peaceful assembly were reported throughout the year (see Section 1.g.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. The political magazine Alef-Be, which is published by the Ministry of Culture and Information, reported in December that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted conditions necessary to establish political parties, which include the requirement in a 1991 law that a political group must have at least 150 members over the age of 25. A new law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the ruling Ba'th party to power. Several parties are outlawed specifically, and membership in them is a capital offense. A 1974 law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In contrast, in Kurdish-controlled northern Iraq, numerous political parties and social and cultural organizations exist.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. Islam is the official state religion. The Government's registration requirements for religious organizations are unknown.

The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves the building and repair of all places of worship, and approves the publication of all religious literature.

According to conservative estimates, over 95 percent of the population is Muslim. The (predominantly Arab) Shi'a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 30 to 35 percent (approximately 18 to 20 percent are Sunni Kurds, 12 to 15 percent are Sunni Arabs, and the rest are Sunni Turkomans). The remaining approximately 5 percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenians), Yazidis, and a small number of Jews.

New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The Government 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."

Although Shi'a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Arabs holding Sunni religious beliefs 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 Iraq alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the Iraqi Army in the 1980–88 Iran-Iraq War.

The Government 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 Muslim population, and has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

Despite supposed legal protection of religious equality, the regime has repressed severely the Shi'a clergy and those who follow the Shi'a faith. Forces from the Intelligence Service (Mukhabarat), General Security (Amn Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party have murdered senior Shi'a clerics, desecrated Shi'a mosques and holy sites (particularly in the aftermath of the 1991 civil uprising), arrested tens of thousands of Shi'a, interfered with Shi'a religious education, and prevented Shi'a adherents from performing their religious rites. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshipers.

The following government 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 government-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 Government; 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, which listed thousands of forbidden Shi'a religious writings. Security forces reportedly still were encamped in the shrine to Imam Ali at Al-Najaf, one of

Shi'a Islam's holiest sites, and at the former Shi'a theological school in Al-Najaf; they have been there since 1991.

In June several Shi'a opposition groups reported that the Government instituted a new 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 are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an unauthorized location. Shi'a sources outside the country who reported this new policy believe that it is aimed not only at preventing unauthorized religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, which many pious Shi'a have turned to since the closure of their own mosques.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in 1998 and during the year, particularly in the internationally renowned Shi'a academic center of Najaf. This followed years of government manipulation of the Najaf theological schools. Amnesty International reported that the Government systematically deported tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970's and early 1980's, 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 prime targets for deportation. In the 1980's, during the Iran-Iraq war, it was widely reported that the Government expelled and denied visas to thousands of foreign scholars who wished to study at Najaf. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools, perhaps hoping that this would deflect popular revulsion over arrests and executions of religious leaders. Instead, the revival of the schools appears greatly to have exceeded the Government's expectations, and has helped to bring traditional Shi'a piety into even greater contrast with the abuses of the regime. This led to an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends. A campaign of arrests in Mosul against fundamentalist trends was reported in September.

The apparently systematic campaign by the Government to eliminate the senior Shi'a religious leadership through murder, summary execution and disappearances continued during the year, including the February 19 murder of Grand Ayatollah Sayyid Mohammad Sadiq As-Sadr, the country's senior Shi'a religious leader (see Sections 1.a. and 1.g.).

The security forces have used the symbolism of religious holidays to underscore the impunity with which they operate. For example, in January, 27 members of the elite Fedayeen Saddam security forces reportedly were executed in Amara for conspiring with the Shi'a-based opposition forces. Their bodies reportedly were delivered to their families on Eid Al-Fitr, one of the most important holidays of the Islamic year (see Section 1.a.).

The Government consistently politicizes and interferes with religious pilgrimages, both of Iraqi Muslims who wish to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims who travel to holy sites in Iraq.

The Government has used Iraqi pilgrims who wish to make the Hajj to Mecca—a religious duty of all Muslims who can undertake it—as pawns in a test of wills with the United Nations. In 1998 the U.N. Sanctions Committee offered to distribute vouchers for travel and expenses to pilgrims making the Hajj, but the Government rejected this offer. The Sanctions Committee offered to disburse funds to cover Hajj-related expenses through a neutral third party. The Government again rejected the opportunity. In both years the Government insisted that these funds would be accepted only if they were paid in cash to the Iraqi central bank in violation of U.N. sanctions. As a result, in both 1998 and 1999, no Iraqi pilgrims were able to take advantage of the available funds. According to press reports, only 4,000 Iraqi pilgrims made the Hajj in 1999, despite the availability of 22,000 spaces for Iraqis.

During the year, the Government flew several planeloads of elderly Hajj pilgrims to Saudi Arabia without advance notification. Simple approval procedures established by the U.N. Sanctions Committee allow flights for religious and humanitarian purposes to originate from and return to Iraq, provided that advance notification is given to regional air controllers and coalition military aircraft about such a flight. The Government chose to ignore these safety procedures, and sent the Hajj flights without any notification.

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 Iraq and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries

ago of the Imam Hussein. The Government for several decades has interfered with these "Ashura" commemorations by preventing processions on foot into the city. In both 1998 and during the year, violent incidents were reported between Iraqi pilgrims on one side and Ba'th party members and security forces enforcing the ban on the other.

In past years, the Government has denied visas to many foreign pilgrims for the Ashura. During the year, it attempted to profit from the pilgrimages. Shi'a pilgrims reported being charged $900 for bus passage and food from Damascus to Karbala, a trip that would normally cost about $150. The Government reportedly had added a $600 surcharge for foreign pilgrims in addition to the $100 visa fee and a requirement to exchange $50 into Iraqi dinars.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas (see Section 2.d.) and repression of political rights. Most Assyrians live in the northern governates, and the Government often has suspected them of "collaborating" with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk, where it is attempting to Arabize the city (see Section 2.d.).

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 Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Iraqi Muslim Kurds. Captured government documents included in the 1998 Human Rights Watch report "Bureaucracy of Repression: The Iraqi Government in its Own Words," describe special all-Yazidi military detachments formed during the 1988–89 Anfal campaign to "pursue and attack" Muslim Kurds. However, the Government does not hesitate to impose the same repressive measures on Yazidis as on other groups. For example, 33 members of the Yazidi community of Mosul, arrested in July 1996, still are unaccounted for (see Section 2.b.).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation*.—The Government restricts movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways.

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December, each student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 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 what appeared to be an effort to lure Iraqis living abroad back to the country, government radio announced in June an amnesty for Iraqi teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all Iraqis who either had left the country illegally or who had failed to return after being exiled and the period of exile had expired (see Section 1.d.). The decree stated that "charges of illegal departure, forging official documents towards this purpose, and disrupting public duties that were pressed before the issuance of this decree shall be dropped effective immediately." In October Justice Minster Shabib Al-Maliki announced that authorities may seize assets belonging to Iraqis living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor Iraqis inside the country who received money from relatives abroad.

A new travel law that took effect in November placed additional penalties on 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.

The Government restricts foreign travel by journalists, authors, and all employees of the Information ministry. Security authorities interrogate all media employees, journalists, and writers who travel outside the country.

In September journalist and Baghdad University professor Hachem Hasan was arrested at the crossing point on the boarder with Jordan as he attempted to leave the country after declining Uday Hussein's appointment of him as editor of one of Uday Hussein's publications. Hassan was charged with using a forged passport to flee abroad, although he reportedly had a valid passport. His fate is unknown.

Three Ba'th party officials reportedly were arrested on November 4, and their homes were ransacked by security forces. Opposition sources said that the three were arrested for planning to leave the country with their families, although the Government alleged that the officials were in possession of television satellite dishes. The penalty for such possession is severe (see Section 2.a.).

The Government consistently politicizes and interferes with religious pilgrimages, both of Iraqi Muslims who wish to make the Hajj to Mecca and Medina and of Iraqi and non-Iraqi Muslim pilgrims to holy sites in Iraq (see Section 2.c.).

Foreign spouses of citizens who have resided in Iraq for 5 years (1 year for spouses of government employees) are required to apply for naturalization as Iraqi citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold 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 estimates that there are more than half a million internally displaced persons remaining in the three northern provinces (Irbil, Dohuk, and Suleymaniyah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. As reported by the Special Rapporteur, the Government continued its "Arabization" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, and other districts. Most observers view 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. Kurdish grade school teachers and low-ranking civil servants are reassigned systematically outside of Kirkuk province, which has been renamed Al-Ta'mim ("Nationalization"). The Revolutionary Command Council has mandated that new housing and employment be created for more than 300,000 Arab residents who have been resettled in Kirkuk, while new construction or renovation of Kurd owned property reportedly is prohibited. Non-Arabs are not permitted to sell their homes, except to Arabs, nor register or inherit property.

As part of the Arabization process, the Government continued to deport Kurdish and Turkomen families. Regional Kurdish authorities report that between January and November, 362 families (a total of 2,166 individuals) were deported from Kirkuk, Khanaqin, Sinjar, and other areas, and expelled to Kurdish-controlled northern Iraq. They calculate that since 1991, a total of 15,620 households (92,740 persons) have been displaced. Those expelled are not permitted to return. The Special Rapporteur reported that citizens who provide employment, food or shelter to returning or newly arriving Kurds are subject to arrest. In order to encourage departure and prevent displaced persons from returning, the Government reportedly has mined the area around Kirkuk, and has declared it a military and security zone. Roads into the area are fortified with military checkpoints.

Those being deported are required to sign a "request," which includes the phrase "I signed this form of my own free will." The procedure followed by security forces to evict and deport non-Arab citizens is described by Amnesty International in its November report. Citing a government decree, Amnesty International reported that the expulsion process includes the confiscation of all family property and food ration cards issued under the UN oil-for-food program, and the detention of one family member to ensure a lack of resistance. Once in northern Iraq, the majority are resettled in camps with basic supplies such as tents, blankets, and food that is supplied by the PUK, KDP, and U.N. agencies.

The Government has undertaken a so-called "Nationality Correction Campaign" as part of the process of Arabization. Some deportees are permitted to remain in their homes if they relinquish their Kurdish or Turkomen identity and register themselves as Arab.

The Government denies that it expels non-Arab families.

According to the Special Rapporteur, security forces continued to relocate Shi'a inhabitants of the southern marshes to major southern cities. Many have been transferred to detention centers and prisons in central Iraq, primarily in Baghdad, or even to northern cities like Kirkuk, as part of the Government's attempt to "Arabize" traditionally non-Arab areas (see section 5).

In November, the Government reportedly expelled from Baghdad approximately 24,000 persons who had sought refuge in the city after the 1991 Gulf war (see Section 1.f.).

The Government does not provide first asylum or respect the rights of refugees. According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to northern Iraq in areas where the allied coalition has prohibited overflights by Iraqi aircraft.

The KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons that each had expelled as a result of intra-Kurdish fighting in the three northern provinces; however, no effort to implement the agreement was begun during the year.

Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in northern areas controlled by the central Government. The UNHCR is treating these displaced persons as refugees until it reaches an official determination of their status.

According to AINA reports, on August 25, the KDP imposed a blockade on eight Assyrian villages in the Nahla area east of Aqra. ICRC monitors in northern Iraq reportedly intervened on the villages' behalf, and the blockade was lifted. During the night of August 27, KDP forces reportedly reentered the village of Kash Kawa, rounded up the villagers, and publicly beat two of them. The KDP allegedly suspected a connection between the village and the Kurdistan Workers Party, with whom the KDP often has fought. AINA reported a similar night raid by a dozen members of the KDP forces on the village of Belmat on September 10. The KDP media quoted village leaders and the mayor of Aqra, denying that any such blockade or village raids occurred. The ICRC confirmed that it intervened with the KDP after receiving an Assyrian request and that the KDP withdrew from the villages thereafter. AINA reported that armed KDP members entered Assyrian Patriotic Party (APP) headquarters in Dohuk on October 21 and forced its closure. APP offices were allowed to reopen 4 days later.

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

Citizens do not have the right to change their government. Although the Government has taken steps to increase the perception of democracy, the political process still was controlled firmly by the State. The 1995 "referendum" on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. 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.

Various media began publishing reports on a multiparty system after Saddam Hussein instructed officials in October to consider the formation of new political parties, a state council, and a new constitution. A Ministry of Culture and Information magazine reported in December that the two groups that attempted to form a party were refused for having an insufficient number of members (see Section 2.b.).

There are strict qualifications for electoral 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." Out of the 250 seats, 160 deputies reportedly belong to the Ba'th Party, 60 are independent, and 30 are 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.

Full political participation at the national level is confined to members of the Arab Ba'th Socialist Party, who are estimated to constitute about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council (RCC). The council is headed by President Saddam Hussein. However, the RCC exercises both executive and legislative author-

ity. The RCC overshadows the National Assembly, which is completely subordinate to it and the executive branch.

The President wields decisive power over all instruments of government. Almost all important officials are either members of Saddam Hussein's family or are family allies from his home town of Tikrit.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death (see Section 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 is used to prohibit parties that do not support Saddam Hussein and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, as well as Kurdish, Assyrian, Turkomen, and other Iraqi communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly; however, they have only token representation.

In northern Iraq, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. The two major Kurdish parties in de facto control of northern Iraq, 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. The cease-fire held throughout the year; however, reunification measures were not implemented and no election was held.

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

The Government does not permit the establishment of independent human rights organizations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from foreign and international human rights groups are not allowed in the country.

The Government operates an official human rights group that routinely denies allegations of abuses.

The Government harassed and intimidated relief workers and U.N. personnel throughout the country, maintained a threat to arrest or kill relief workers in the north, and staged protests against U.N. offices in the capital (see Sections 1.g. and 2.a.).

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit Iraq, nor did it respond to his requests for information. The Government continued to defy various calls from U.N. bodies to allow the Special Rapporteur to visit the southern marshes and other regions.

In April and again in November, the U.N. Commission on Human Rights criticized the "systematic, widespread, and extremely grave violations of human rights" by the Government, which resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

For the seventh consecutive year, the Commission called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these calls for the entry of monitors.

The Special Rapporteur nonetheless was able to gather more evidence, in part due to interviews with current and past government officials, which shed new light on the systemic nature of human rights violations. He dispatched members of his staff to Kuwait, Jordan, and other locations to interview victims of government human rights abuses.

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

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the Government systematically violates these rights.

Women.—Domestic violence against women occurs but little is known about its extent. Such abuse customarily is addressed within the tightly knit family structure. There is no public discussion of the subject, and no statistics are published. Spousal violence constitutes grounds for divorce and criminal charges; however, suits

brought on these charges are believed to be rare. Men who kill female family members for "immoral deeds" may receive immunity from prosecution for such "honor crimes" under a 1990 law (see Section 1.e.).

The Special Rapporteur has noted that there is an unusually high percentage of women in the Kurdish areas, purportedly caused by the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur has reported that the widows, daughters, and mothers of the Anfal Campaign victims are dependent economically on their relatives or villages because they may not inherit the property or assets of their missing family members.

Evidence concerning the Anfal Campaign indicates that the Government killed many women and children, including infants, by firing squads and in chemical attacks.

The Government claims that it is committed to equality for women, who make up about 20 percent of the work force. It has 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 is difficult to determine to what extent these protections are afforded in practice. However, reports indicate that the application of these laws has declined as Iraq's political and economic crisis persists. Women are not allowed to travel outside the country alone (see Section 2.d.).

Children.—The Government claims that it has enacted laws to require education for girls. No information is available on whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence pointing to the Government's continuing disregard for the rights and welfare of children. The evidence may include government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

The Government'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 should have been made available for the general public were stockpiled in warehouses. The executive director of the U.N. office in charge of the oil-for-food program confirmed such reports at a press conference in May. He stated that of the $570 million worth of medicines and medical supplies that had arrived in Iraq through the oil-for-food program in the previous 2 years, only 48 percent had been distributed to clinics, hospitals, and pharmacies. The Government 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 Government modify its implementation procedures to address the needs of this vulnerable group. On August 12, the U.N. Children's Fund (UNICEF) issued the results of the first surveys of child and maternal mortality in Iraq that have been conducted since 1991. The surveys were carried out between February and May in cooperation with the Government 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 center, home to 85 percent of the population, children under 5 years old are dying at more than twice the rate that they were a decade ago. In contrast mortality rates for children under 5 years old in the nongovernment-controlled north dropped in the period from 1994 to 1999. The Special Rapporteur criticized the Government for "letting innocent people suffer while [it] maneuvered to get sanctions lifted." Had the Government not waited 5 years to adopt the oil-for-food program in 1996, he stated in October, "millions of innocent people would have avoided serious and prolonged suffering."

Government authorities failed to take advantage of available resources for the benefit of the country's citizens, and used some resources to enrich themselves at the expense of vulnerable sectors of the population. For example, on August 11, the Kuwaiti coast guard seized a shipment that was leaving Iraq carrying, among other items, 75 cartons of infant powder and 25 cartons of infant feeding bottles. The captain of the boat confessed that he previously had committed six similar violations.

For the sixth year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children from 10 to 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 tough training for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the slots in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the grueling course. The Supreme Council for the

Islamic Revolution in Iraq reported in October that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps. Similarly, authorities reportedly withheld school examination results to students unless they registered in the Feddayin Saddam organization.

People with Disabilities.—No information is available on the Government's policy towards the disabled.

Religious Minorities.—Iraq's cultural, religious, and linguistic diversity is not reflected in the country's political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. 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.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years.

National/Racial/Ethnic Minorities.—Non-Arabs are denied equal access to employment, education, and physical security. Non-Arabs are not permitted to sell their homes except to Arabs, nor to register or inherit property. The Government 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.).

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 distinct language (Syriac), preserve important traditions of Christianity in the east, and have a rich cultural and historical heritage that they trace back over 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime.

The Government does not permit education in languages other than Arabic and Kurdish. Public instruction in Syriac, which was announced under a 1972 decree, has never been implemented. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. In areas of northern Iraq under Iraqi Kurdish control, classes in Syriac have been permitted since the 1991 uprising against the Government. By October 1998, the first groups of students were ready to begin secondary school in Syriac in the north; however, some Assyrian sources reported that regional Iraqi Kurdish authorities refused to allow the classes to begin. Details of this practice (for example, the number of students prepared to start secondary courses in Syriac and the towns where they were located) were not available, and Kurdish regional authorities denied that they engaged in such a practice. There were no reports of elementary school instruction in Syriac being hindered in northern Iraq. In November the Kurdistan Observer reported that the central Government had warned the administration in the Kurdish region against allowing Turkmen, Assyrian, or Yazidi minority schools.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party, a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. The Christians often feel caught in the middle of intra-Kurdish fighting. In December 1997, six Assyrians died in an attack near Dohuk by the PKK. Some Assyrian villagers have reported 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.

Many Assyrian groups reported a series of bombings in Irbil in late 1998 and early and late 1999. On December 9, 1998, Nasreen Shaba and her 3-year-old daughter Larsa Toma were killed when a bomb exploded on the doorstep of their home in the Terawa section of the city. Later the same month, bombs exploded at the front door of Salman Toma Khoshaba in the Al-Iskan area and in front of a convent in the Al-Mal'ab area. On January 6, a bomb exploded at the door of Father Zomaya Yusip in the 7th-of-Nisan area. No one was killed in these three subsequent incidents. On December 15, a bomb killed 60-year-old Habib Yousif Dekhoka in front of his store in Irbil after several months of threats and one prior attempt. Although the bombings have not been linked to any particular faction or group, Assyrians believe that they are part of a terror campaign designed to intimidate them into leaving northern Iraq. The Assyrian Democratic Movement, the Assyrian Patriotic Party, and other groups have criticized the investigation into these incidents

conducted by the Kurdistan Regional Government. There were no reported arrests by year's end.

In June the Assyrian National News Agency reported a "well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in northern Iraq (see Section 1.a.).

Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

Section 6. Worker Rights

a. *The Right of Association.*—Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th Party, which uses 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, have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

In September 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 September, 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 (see Sections 1.d. and 2.a.).

The 1987 Labor Law restricts the right to strike. No strike has been reported over the past 2 decades. According to the International Confederation of Free Trade Unions, the severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with 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.*—The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of the employed) are set by the Government. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are 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, a failure that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Compulsory labor theoretically is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises accused of breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in Iraq have been prevented from terminating their employment to return to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available on forced and bonded labor by children.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The employment of children under age 14 is prohibited, except in small-scale family enterprises. Children reportedly are encouraged increasingly to work in order to 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 Government enrolls children as young as 10 years of age in a paramilitary training program (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

e. *Acceptable Conditions of Work.*—There was no information available on minimum wages.

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situations that endanger their health or safety, or on those who complain about such conditions.

f. *Trafficking in Persons.*—There was no information available on whether trafficking in persons is prohibited, or whether it occurs.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel [1] 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. Labor and One Israel party leader Ehud Barak was elected Prime Minister in May and took office in July at the head of a broad centrist coalition Government. The judiciary is independent, but in the past, frequently has acquiesced with the Government's position in security cases; however during the year it ruled against the Government in several major security-related cases.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. It concluded a peace treaty with Egypt in 1979, 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 international community does not recognize Israel's sovereignty over any part of the occupied territories. Throughout its existence, Israel has experienced numerous terrorist attacks.

An historic process of reconciliation between Israel and its neighbors began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP). In September 1995, Israel and the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip, which provided for the election and establishment of a Palestinian self-governing authority, transfer of civil authority, Israeli redeployment from major Palestinian population centers in the West Bank, security arrangements, and cooperation in a variety of areas. In January 1997, Israel and the PLO concluded the Hebron Agreement, which established security arrangements for the withdrawal of Israeli forces from Palestinian-populated areas of Hebron, and set out a road map for mutual implementation of other Interim Agreement commitments. In October 1998, Israel and the PLO signed the Wye River Memorandum, which, among other things, called for the continuation of the process of Israeli further redeployments in the West Bank. The implementation of the Wye River Memorandum was frozen by Prime Minister Binyamin Netanyahu's Government in December 1998. Following Ehud Barak's election as Prime Minister, and the formation of a broad, centrist, coalition Government, Israel and the PLO signed the Sharm el-Sheikh Memorandum on September 4. The Sharm el-Sheikh Memorandum laid out a comprehensive roadmap for the implementation of Israel's further redeployments in the West Bank, the release of Palestinian prisoners, and the resumption of permanent status negotiations.

Internal security is the responsibility of the General Security Service (GSS—also known as Shin Bet, or Shabak), which is under the authority of the Prime Minister's office. The police are under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) are under the authority of a civilian Minister of Defense. The IDF includes a significant portion of the adult population on active duty or reserve status and plays a role in maintaining internal security. The Foreign Affairs and Defense Committee in the Knesset reviews the activities of the IDF and the GSS.

Israel has an advanced industrial economy, and citizens enjoy a high standard of living, with a per capita income of $17,000. Unemployment among citizens rose to 9.1 percent by year's end, but was substantially higher in the country's peripheral regions and among lower-skilled workers. Along with rapid economic growth in recent years, there has been an increase in income inequality. The longstanding gap in levels of income between Jewish and non-Jewish citizens continues. Regional income disparities appear to be growing, with unemployment in some areas reaching more than double the national average. A heavy reliance on foreign workers, principally from Asia and Eastern Europe, is a source of social problems. Such workers generally are employed in agriculture and the construction industry and constitute about 10 percent of the labor force. Since the implementation of an economic stabilization plan in 1985, Israel has moved gradually to reduce state intervention in the economy. The Government has been committed to market-oriented structural reforms, especially deregulation and rapid privatization of the economy. Despite the Government's continued dominant role in the economy, individuals generally are free to invest in private interests and own property. 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

[1] The human rights situation in the occupied territories is discussed in the annex appended to this report.

for the purchase and management of land for the Jewish people, owns 8 percent of the country's land area, including a considerable amount transferred directly from the Government, and manages another 8 percent on behalf of the Government. The JNF's statute prohibits the sale or lease of land to non-Jews, although exceptions sometimes are made. Foreigners and citizens of all religions are allowed freely to purchase or lease land in the remaining 7 percent of Israel.

The Government generally respects the human rights of its citizens, and the law and judiciary provide citizens with means of dealing with individual instances of abuse. Israel's main human rights problems have arisen from its policies and practices in the occupied territories, and from its fight against terrorism. The redeployment of the IDF from major Palestinian population areas in the West Bank in December 1995, and its previous withdrawal from Gaza and Jericho, reduced significantly the scope of these problems. Moreover, the overall human rights situation continued to improve during the year, in part due to the lack of major terrorist attacks, which reduced the overall level of tension as well as the number of security-related arrests. Israeli security forces abused Palestinians suspected of security offenses. However, a landmark decision by the High Court of Justice in September 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. Following the ruling, there were no credible reports of such abuse by the security forces. However, the Government continued to detain without charge Palestinians, some of them for lengthy periods, although the number decreased significantly during the year. Detention and prison conditions, particularly for Palestinian security detainees held in Israel, improved, but do not meet minimum international standards in some cases. In September the Government acknowledged that it trains, debriefs, and pays the salaries of the Lebanese administrators and staff of the Al-Khiam prison in Israel's self-declared "security zone" in southern Lebanon where guards allegedly committed abuses. Under the terms of the September Sharm el-Sheikh Memorandum, the Government released 350 Palestinian security prisoners.

In previous years, the Government responded to terrorist and security incidents by periodically detaining hundreds of Palestinians without charge and tightening existing restrictions on the movement of persons (and sometimes goods) across borders with the West Bank and Gaza and between PA-controlled areas inside the West Bank (i.e., closure, which has been in effect to varying extents since 1993). The overall improvement in the security situation led to a significant reduction in such arrests and there were fewer prolonged security-related closures. However, the Government imposed closure on Hebron after settlers were shot and injured in separate shooting attacks in January and August.

The Government took few tangible steps to address violence and discrimination against women, although several court cases have set important precedents regarding certain types of discrimination. The Government made little headway in reducing institutionalized legal and societal discrimination against Israel's Christian, Muslim, and Druze citizens, who constitute just over 20 percent of the population, but do not share fully the rights provided to, and obligations imposed on, the country's Jewish citizens. As part of their efforts to address the problem, some government officials publicly acknowledged significant discrimination against Israel's non-Jewish citizens; however, no specific steps were taken by year's end.

Trafficking in women for the purpose of prostitution is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—One Palestinian, Sadi Sager, died in custody during the year (see Section 1.c.).

During the year, one Israeli was killed and over 52 were wounded in terrorist attacks carried out by Palestinian groups or individuals seeking to halt the Middle East Peace Process.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Laws and administrative regulations prohibit the physical abuse of detainees; however, security forces abused, and in some cases, tortured Palestinians suspected of security offenses, and lawyers for security prisoners continued to file numerous challenges to the use of torture. However, a landmark decision by the High Court of Justice in September 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. Following the ruling, there were no credible reports of such abuse by the security forces. The

High Court categorically rejected the Government's contention that these practices were "moderate physical pressure," and therefore permissible under the law, though the Court left open the possibility that such practices might be acceptable if specifically authorized by new legislation.

Prior to the High Court's decision, laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases. The head of the GSS was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which includes violent shaking) while interrogating detainees. These practices often led to excesses (see Section 1.c. of the annex).

In 1996 the Government presented draft legislation to define the basis for and limits of GSS activities. This legislation was rejected by the Knesset's Law and Constitution Committee in 1998 because it gave the GSS too broad a role in "preserving democracy." That proposed legislation made no reference to the use of physical pressure in interrogations. Following the High Court's decision in September, some government officials called for the passage of legislation that would authorize the use of the methods banned by the court. At year's end, no action appeared likely. In November the Attorney General issued revised guidelines that denied blanket immunity from prosecution for interrogators. These guidelines left open the possibility that the State might decline to prosecute interrogators who used prohibited methods in cases of extreme urgency.

Conditions vary in incarceration facilities in Israel and the occupied territories, which are administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally house Israeli citizens convicted of common crimes, usually meet minimum international standards. In general, IPS inmates are not subject to physical abuse by guards, food is adequate, and prisoners receive basic necessities. Inmates receive mail, have television sets in their cells, and receive regular visits. Prisoners receive wages for prison work and benefits for good behavior. Many IPS prisons have drug treatment, educational, and recreational programs. The IPS has established an investigatory committee to look into charges of violence by guards against inmates.

Since the closure in 1995 of the main IDF detention camps in the occupied territories, all security detainees (i.e., those detained and held without charge by security forces) from the occupied territories who are held for more than a few days are transferred to facilities within Israel. During the year, security detainees usually were held in IDF camps in Israel, but also in IPS facilities and in special sections of police detention facilities. Prisoners incarcerated for security reasons are subject to a different regimen, even in IPS facilities. They often are denied certain privileges given to prisoners convicted on criminal charges. Security detainees include some minors. Detention camps administered by the IDF are limited to male Palestinian detainees and are guarded by armed soldiers. The total number of Palestinian prisoners and administrative detainees held by Israel, approximately 2,233 at the beginning of the year, fell to 1,354 by year's end. The number of administrative detainees (held without charge or trial) varied between 77 and 16 during the year, and stood at 18 at year's end. One of these detainees has been held without charge or trial since 1994. Under the terms of the September Sharm el-Sheikh Memorandum, the Government released 350 Palestinian security prisoners.

In September terrorists placed bombs in neighborhoods in Haifa and Tiberias causing minimal civilian injuries and killing the perpetrators. In November a bombing in Netanya injured 33 persons.

In June a demonstration against the demolition of an Israeli Arab-owned house in Lod led to a confrontation between protesters and police, who reacted with excessive force. Between 8 and 20 persons were injured, including Arab Israeli Member of Knesset, Azmi Bishara, who was hospitalized briefly after being hit in the shoulder by a rubber bullet (see Section 2.b.). There were no further incidents of this kind during the year.

Conditions in IDF detention camps have been criticized repeatedly over the years. Conditions at the Russian Compound, which houses a combination of security and common prisoners and detainees in Jerusalem, were criticized in 1997 as "not fit to serve as lock-up" by High Court of Justice President Aharon Barak. Conditions in other IDF facilities have improved in some respects. For example, inmates are given more time for exercise outside their cells. Nevertheless, recreational facilities remain minimal, and there are strict limitations on family visits to detainees. Visits were prevented during closures of the borders with Gaza and the West Bank.

Conditions at some national police detention facilities can fall below minimum international standards. Such facilities are intended to hold criminal detainees prior to trial but often become de facto prisons. Those held include some security detainees and some persons who have been convicted and sentenced. Inmates in the na-

tional police detention facilities often are not accorded the same rights as prisoners in the IPS. Moreover, conditions are worse in the separate facilities for security detainees maintained both in police facilities and in IPS prisons.

In 1996 the Government began a reform program for the country's detention facilities. Thus far, improvements in prison conditions have been limited in scope. Continued problems include dilapidation and overcrowding, which was aggravated by the closure of IDF detention facilities in the occupied territories in 1995. New legislation that took effect during 1997 provided 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 on a daily basis. The Government took steps towards implementing this legislation during the year, though problems remain.

Children's rights groups have expressed particular concern over the separate sections of holding facilities set aside for the detention of children. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents are among the key problems. In addition to some Israeli minors held in criminal cases, there are juveniles among Palestinian detainees. Children's rights activists have recommended the construction of a separate detention facility for children.

One Palestinian, Sadi Sager, died in custody after having been detained with neither charges nor trial for three months; human rights organizations alleged that the 21-year-old was denied proper medical care for a pre-existing heart condition, which was exacerbated by poor prison conditions (see Section 1.c.). All incarceration facilities are monitored by various branches of the Government, by members of the Knesset, by the International Committee of the Red Cross (ICRC), and by human rights groups. While monitoring is judged to be effective overall, in some instances human rights groups were denied timely access to specific detainees, usually Palestinians held without charge or trial for alleged security offenses (see Section 1.d. of the annex).

In September the Government acknowledged that it trains, debriefs, and pays the salaries of the Lebanese administrators and staff of the Al-Khiam prison in Israel's self-declared "security zone" in southern Lebanon where guards allegedly committed abuses.

d. *Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest of citizens, and the Government generally observes 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 detention without charge or trial, which is used in security cases. The Minister of Defense may issue a detention order for a maximum of 1 year. Within 24 hours of issuance, detainees must appear before a district judge who may confirm, shorten, or overturn the order. If the order is confirmed, an automatic review takes place after 3 months. Detention orders were confirmed in all cases during the year. Detainees have the right to be represented by counsel and to appeal detention orders to the High Court of Justice; however, the security forces may delay notification of counsel with the consent of a judge. According to human rights groups and legal experts, there were 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.

In felony cases, a district court judge may postpone for 48 hours the notification of arrest to the detainee's attorney. The postponement may be extended to 7 days by the Minister of Defense on national security grounds or by the police inspector general to conduct an investigation. Moreover, a judge may postpone notification for up to 15 days in national security cases.

New legislation took effect in 1997 that more narrowly defined the grounds for pretrial detention and reduced to 24 hours the length of time a person may be held without charge. 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.

Most of the protections afforded by law are not extended to Palestinian detainees, who fall under the jurisdiction of military law even if they are detained in Israel. With 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 are incarcerated in Israel (see Section 1.d. of the annex).

At year's end, the Government held 1,354 Palestinians in custody. Those held were a mixture of common prisoners, administrative detainees, and security detainees. The Government continues to deny the ICRC access to two Lebanese citizens,

Sheikh Mustafa Dirani (held without charge since 1994) and Sheikh Obeid (held without charge since 1989). The High Court of Justice ruled in May 1998 that the Government is entitled to continue holding them for use in a possible exchange of hostages to obtain the return of an Israeli who still may be held by hostile forces. The High Court's ruling stressed that national security needs take precedence over the detainees' individual rights under Israeli and international law. At year's end, the Government detained 16 other Lebanese citizens; eleven have completed prison sentences of up to 10 years but still are being held without charge.

Six Iraqis, held since they attempted to enter Israel illegally from Jordan, were released from detention by order of the High Court in November (though their movement was restricted to a kibbutz, which agreed to be responsible for their conduct).

The law prohibits forced exile of citizens, and the Government does not use it.

e. *Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government respects this provision. However, in the past, the judiciary routinely acquiesced to the Government's position in security cases. The landmark High Court of Justice ruling in September (see Section 1.c.) marked a major change in this practice. The judiciary provides citizens with a fair and efficient judicial process.

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).

The law provides for the right to a hearing with representation by counsel, and authorities observe this right in practice. A planned regional and national system of public defenders operated by the Ministry of Justice was inaugurated in 1996 with the opening of a Tel Aviv office, although that office has suffered serious budget shortages. A substantial percentage of criminal cases are tried with no legal representation for the defendant.

All nonsecurity trials are public except those in which the interests of the parties are 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 Attorney General determines the venue in such cases. The prosecution must justify closing the proceedings to the public. Adult defendants have 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. In addition, convictions may not be based solely on a confession by the accused, although in practice security prisoners have been sentenced on the basis of the coerced confessions of both themselves and others.

The legal system often imposes far stiffer punishments on Christian, Muslim, and Druze persons than on Jewish citizens. For example, human rights advocates claim that Palestinians and Arab Israelis convicted of murder usually receive life sentences, while Jewish Israelis often receive significantly shorter sentences. To the extent that Palestinians are tried in Israeli courts, they receive harsher punishments than Jewish Israelis.

There were no reports of political prisoners during the year.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Privacy of the individual and the home generally are protected by law; however, authorities interfere with mail and monitor telephone conversations. 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 on security grounds.

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Violence continued in northern Israel, related to attacks in southern Lebanon. According to various reports, an estimated 50 Hizballah guerrillas, 13 Israeli soldiers, 27 Lebanese civilians, and 2 Israeli civilians were killed in south Lebanon and northern Israel during the year, as Hizballah, Amal, and Palestinian guerrillas on one hand, and Israeli forces and the SLA on the other, engaged in attacks. For example, on June 22 Hizballah launched rocket attacks against northern Israel in retaliation for IDF shelling of a Lebanese village, killing 2 Israeli civilians. Israeli forces conducted repeated air strikes and artillery barrages on Hizballah, Amal, and Palestinian guerrilla targets. Israeli forces also sometimes targeted civilian infrastructure inside Lebanon. On June 24, 9 Lebanese were killed and 50 to 80 wounded in Israeli air raids, which also targeted civilian infrastructure, including electric power transformer stations and power lines in the Beirut area, Baalbek, and Bint Jubayl, and bridges along the main coastal highway at Damour, Sidon, and Tyre.

In south Lebanon, there is an average of two or three attacks daily against IDF/SLA military positions and a similar number of IDF or SLA counterattacks.

The Israeli-Lebanese Monitoring Group continued to deal with violations of the April 1996 understanding between Israel, Lebanon, and Syria, which precludes the targeting of civilians or the use of civilian-populated areas from which to launch attacks.

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 respects this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories regarded as sensitive on national security grounds. A censorship agreement signed in 1996 between the Government and media representatives continued the trend of liberalization of the Government's censorship regime. The agreement provides that military censorship is to be applied only in cases involving national security issues that have a near certainty of harming the country's defense interests, and it now applies to all media organizations in Israel, including all newspapers. All media organizations can appeal the censor's decision to the High Court of Justice. Moreover, a clause abolishes the authority of the censor to shut down a newspaper for a censorship violation and eliminates the ability of the office of the censor to appeal a decision against it. News printed or broadcast abroad may be reported without censorship, which permits the media to run censored stories that have appeared in foreign sources.

Emergency regulations prohibit anyone from expressing support for illegal organizations. On occasion in the past, the Government has prosecuted persons for speaking or writing on behalf of terrorist groups. No such cases were filed during the year, and there were public discussions about the scrapping of emergency regulations.

Individuals, groups, and the press freely address public issues and criticize government officials and policies. Laws prohibit hate speech and incitement to violence; however, the Attorney General has concluded that such speech, for the most part, is nearly impossible to prosecute successfully. Nevertheless, during the year, police vigorously investigated individuals under anti-incitement codes.

All newspapers are privately owned and managed. Newspaper licenses are valid only for Israel; separate licenses are required to distribute publications in areas in the occupied territories still under Israel's authority. Nineteen daily newspapers are published in Israel. There are about 90 weekly local newspapers and more than 250 periodical publications.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority (IBA) controls television Channel 1 and Kol Israel (The Voice of Israel) radio, both major sources of news and information. Privately-owned Channel 2 Television, the first commercial television channel, is operated by three franchise companies. There are 13 private radio outlets. The Second Television and Radio Authority, a public body, supervises both Channel 2 and the country's 14 privately owned regional radio stations. Five cable television companies operate under franchises granted by government councils. The cable systems carry both domestic and international television networks, including some from Europe and countries throughout the Arab world.

In May the Government set up a task force to attempt to close down the estimated 150 pirate radio stations operating out of Israel and the West Bank.

Many international publications are available.

The Government respects academic freedom.

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

In June a demonstration against the demolition of an Israeli Arab-owned house in Lod led to a confrontation between protesters and police, who reacted with excessive force. Between 8 and 20 persons were injured, including Arab Israeli Member of Knesset, Azmi Bishara, who was hospitalized briefly after being hit in the shoulder by a rubber bullet (see Section 1.c.). There were no further incidents of this kind during the year.

The law provides for the right of association, and the Government generally respects this provision in practice. After the Hebron massacre in 1994, the Cabinet invoked the 1948 Ordinance for the Prevention of Terror to ban the ultranationalist Kach and Kahane Chai organizations, a ban that remains in effect. The decision provides for imprisonment for anyone belonging to, or expressing support for, either organization.

c. *Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respects this right. Approximately 80 percent of citizens are Jewish. Muslims, Christians, Druze, and members of other religions make up the remaining 20 percent. Each recognized religious community has legal authority over its mem-

bers 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. Legislation passed in 1996 allows the rabbinical courts to sanction either party who is not willing to grant a divorce.

Many Jews object to the Orthodox Jewish religious authorities' exclusive control over Jewish marriage, divorce, and burial. These authorities do not recognize marriages or conversions to Judaism performed in Israel by Conservative or Reform rabbis. These issues have been a source of serious controversy within society, particularly in recent years, as thousands of Jewish immigrants from the former Soviet Union have brought with them family members not recognized as Jewish by Orthodox authorities.

Many Jews who wish to be married in secular or non-Orthodox religious ceremonies do so abroad. The Ministry of Interior recognizes such marriages.

During the year, the High Court issued two important rulings on religious issues. Until a January High Court ruling, Reform and Conservative rabbis could not hold seats on the powerful municipal religious councils. In January the High Court ordered the Haifa and Jerusalem Religious Councils to meet with their Conservative and Reform members. In February the High Court ordered the Knesset to legislate a solution to a suit challenging military draft exemptions for yeshiva students. Large peaceful demonstrations followed the rulings.

The Government provides proportionally greater financial support to institutions in the Jewish sector compared with those in the non-Jewish sector, i.e., Muslim, Christian, and Druze. In 1998 the High Court of Justice ruled that the 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.

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter-Day Saints voluntarily refrains from proselytizing under an agreement with the Government. A 1977 anti-proselytizing law prohibits anyone from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of its enforcement.

Bills that would have further restricted proselytizing were introduced and passed their preliminary readings in 1997 and 1998 with the support of some government ministers; however, no further action was taken before the dissolution of the Knesset following the May elections. They are not expected to be enacted if reintroduced in the Knesset. Christian and other evangelical groups assert that the draft bills were discriminatory and served to intimidate Christian groups.

Evangelical Christian and other religious groups complained that the police have been slow to investigate incidents of harassment, threats, and vandalism directed against their meetings, churches, and other facilities apparently by two ultraorthodox groups known as Yad L'achim and Lev L'achim. For example, Jehovah's Witnesses assert that police did not adequately investigate a series of violent attacks on their members and facilities; members of this religious group filed over 75 complaints with police during the year for incidents ranging from assault to verbal harassment. The police have increased their level of attention to these matters during the latter half of the year, and there was a marked decline in the number of incidents. Nonetheless, despite the large number of outstanding complaints, many accompanied by considerable details concerning the identity of the alleged attackers, there were no arrests or indictments of the perpetrators.

On July 20, the Baptist House Center in Jerusalem was vandalized by unknown assailants who spread tar on the front and along the sides of the building, as well as defacing the entrance to the sanctuary.

The Government has recognized Jewish holy places under the 1967 Protection of Holy Sites Law. The Government states that it also protects the holy sites of other faiths, and that it has provided funds for some holy sites of other faiths.

A 1995 High Court of Justice ruling allows small numbers of Jews under police escort to pray on the Temple Mount, which is the location of two Muslim holy places and also the site of the First and Second Jewish temples.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice for citizens, except with regard to military or security zones or in instances where citizens may be confined by administrative order to their neighbor-

hoods or villages. The Government continued to restrict the movements of two Jewish settlers living in the occupied territories who belonged to extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command (see Section 2.d. of the annex).

Citizens are free to travel abroad and to emigrate, provided they have no outstanding military obligations and are not restricted by administrative order. During the year, the Government generally continued to permit Muslim citizens to make the Hajj. However, for security reasons, the Government imposes some restrictions on its Muslim citizens who perform the Hajj, including requiring that they be over the age of 30. The Government does not allow persons to return if they leave the country without formal permission. The Government justifies these restrictions on the grounds that Saudi Arabia remains officially at war with Israel and that travel to Saudi Arabia therefore is considered subject to security considerations.

Christian, Muslim, or Druze women who have married men from Arab states or the West Bank or Gaza have complained about losing their Israeli citizenship and right to reenter Israel.

The Government welcomes Jewish immigrants, their families, and Jewish refugees, on whom it confers automatic citizenship and residence rights under the Law of Return. This law does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. Other than the Law of Return and the family reunification statutes, which mainly apply to non-Jews who fled Israel in 1948–49, Israel has 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 Israel as permanent residents.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not provide asylum to refugees from states with which Israel remains in a state of war. 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 fear persecution. Six Iraqis were released from detention by order of the High Court in November (see Section 1.d.).

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

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. The last national elections were held in May.

Israel is a parliamentary democracy with an active multiparty system in which a wide range of political views are represented. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

While there are no legal impediments to the participation of women and minorities in government, they are underrepresented. Women hold 15 of 120 Knesset seats, compared with 9 female members in the previous Knesset. There are 11 Arabs and 2 Druze in the Knesset; most represent parties deriving their support largely or entirely from the Arab community. Of the Knesset's 12 committees, 2 (including the Committee on the Status of Women) are chaired by a woman. There are two women in the Cabinet, and one Arab Deputy Minister. Three women, and one Arab serve on the 14-member High Court of Justice.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with investigations.

Section 5. Discrimination Based on Race, Sex, Religion, 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, religion, political beliefs, and age. Local human rights groups are concerned that these laws often are not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, sometimes are lacking.

Women.—Violence against women is a problem. There continued to be action, both in and out of government, to reduce violence against women in Jewish and Arab communities. The Government has allocated minimal funds for a special campaign to combat such violence. Groups that focus on domestic violence include a committee

established by the Ministry of Labor and Social Affairs that includes Jewish and Arab nongovernmental organizations (NGO's) as well as government representatives, and a coalition of human rights organizations. Approximately 17 women were killed by their husbands or other male relatives during the year. According to the most recent estimates, some 200,000 women suffer from domestic violence each year, and some 7 percent of these are abused on a regular basis. According to press reports that appeared in 1998, an estimated 60,000 women were assaulted sexually or abused in 1997. Only a small percentage of victims complained to the police. An estimated 60 percent of victims were age 18 or under.

Arab human rights advocates also have formed a coalition to raise public awareness of so-called family "honor killings," a term commonly used for the murder of a female by a male relative for alleged misconduct. At least 3 of the 17 women killed during the year by male relatives were killed in family "honor" cases.

The Government supports 10 shelters for battered women, including 1 exclusively for Christian, Muslim, and Druze women and 1 for both non-Jewish and Jewish women. Women's rights advocates consider this number inadequate.

According to the 1991 Domestic Violence Law, a district or magistrate court may prohibit access by violent family members to their property. Women's groups cooperate with legal and social service institutions to provide women's rights education. While sentences handed down to men convicted of rape have increased in recent years, women's rights activists argue that the penalties are not sufficiently harsh.

Civil rights groups also expressed concern about the occurrence of physical attacks by religious Jews, particularly in Jerusalem, against women whom they consider to be dressed immodestly in public. On July 20, several women were attacked by religious Jews in Jerusalem; police arrested three persons in connection with this assault.

Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. Trafficking in women is a significant problem (see Section 6.f.). Women's advocacy groups report that women routinely receive lower wages for comparable work, are promoted less often, and have fewer career opportunities than their male counterparts. Despite 1996 legislation that provides for class action suits and requires employers to provide equal pay for equal work, including important side benefits and allowances, women's rights advocates charged that deep gaps remained.

Legislation in 1993, reinforced by a 1994 ruling of the High Court of Justice, has increased the percentage of women on the boards of two-thirds of government-owned companies. However, their numbers remain low overall. One study reported that in 1996 women made up more than 30 percent of the boards in only 39 of 118 government-owned companies.

The adjudication of personal status law in the areas of marriage and divorce is left to religious courts, where Jewish and Muslim women are subject to restrictive interpretations of their rights (see Section 2.c.). Under personal status law, a Jewish woman is not allowed to initiate divorce proceedings without her husband's consent; consequently there are hundreds of so-called "agunot" in the country who cannot remarry or have legitimate children because their husbands either have disappeared or refused to grant a divorce.

Legislation passed in 1995 broadened the civil sanctions made available to rabbinical courts in cases where a wife has ample grounds for divorce—such as abuse—but the husband refuses to agree. However, in some cases rabbinical courts have failed to invoke these sanctions. In addition, there have been cases in which a wife has failed to agree to a divorce, but a husband has been allowed to remarry; this permission is not given to wives. Such imbalances 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 Jewish non-Israeli persons present in Israel.

Religious law can be even more restrictive for Muslims: 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.

Jewish women are subject to the military draft, but have been barred from combat positions. In response to a High Court of Justice ruling, the Israeli Air Force (IAF) since 1996 has permitted women to enter pilot training. At year's end, two women had completed initial training and were progressing through the IAF advanced flight training program. This would qualify women for combat aviation positions. A recent IAF ruling allows female flight surgeons to participate in combat rescue missions. In addition, the IAF permitted women to begin serving as flight mechanics for combat helicopter patrols in November.

Children.—The Government is committed to the rights and welfare of children. However, in practice resources sometimes are insufficient, particularly with respect

to low-income families. Education is compulsory to age 15, or until the child reaches the 10th grade, whichever comes first. Government ministries, children's rights groups, and members of the legislature often cooperate on children's rights issues. The Government provides an extensive health care program for children. There is a broad network of mother and child clinics, which provide prenatal care as well as postnatal follow-up.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements. Although there has been a sharp increase in reported cases of child abuse in recent years, activists believe that this is largely due to increased awareness of the issue rather than a growing pattern of abuse. There are five shelters for children at risk. The Ministry of Justice formed a committee with police and NGO representatives that is attempting to assess the scope of child prostitution. Children's rights activists estimate that there may be several hundred prostitutes among the nation's children, and they warn that the phenomenon is unlikely to be eradicated until the social problems that give rise to it—including child abuse and schools that give up too readily on dropouts—are addressed.

NGO's in the field of children's welfare concentrate their efforts on public education, on promoting the concept of children's rights as citizens, on improving legal representation for minors, and on combating the problems of poverty, which are most notable for the Bedouin children of the south. There has been concern about the children of the country's growing population of foreign workers, many of whom reside in the country illegally. Children of such families, believed to number in the thousands, exist in a legal and social limbo, without access to schools or adequate health services.

Privately funded children's rights information centers have been established in some communities, and the Government assists in funding additional centers in other cities.

People With Disabilities.—The Government provides a range of benefits, including income maintenance, housing subsidies, and transportation support for disabled persons, who constitute about 10 percent of the population. Existing antidiscrimination laws do not prohibit discrimination based on disability, and these citizens continue to encounter difficulties in areas such as employment and housing. A law requiring access for the disabled to public buildings is not widely enforced. There is no law providing for access to public transportation for the disabled. A 1996 law extended disability assistance for deaf children from the age of 14 to maturity. An extended strike/demonstration this year led to a significant increase in government spending in support of the disabled.

Religious Minorities.—Tensions between secular and religious elements of Israeli society continued to grow during the year. The non-Orthodox Jewish community in particular has complained of discrimination and intolerance (see Section 2.c.).

Evangelical Christian and other religious groups also suffered verbal abuse, assaults, and vandalism apparently by two ultraorthodox Jewish groups known as Yad L'achim and Lev L'achim (see Section 2.c.). In civic areas where religion is a determining criterion, such as the religious courts and centers of education, non-Jewish institutions routinely receive less state support than their Jewish counterparts. The status of a number of Christian organizations with representation in Israel heretofore has been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations seek to negotiate with the Government in an attempt to formalize their status.

National/Racial/Ethnic Minorities.—The Government does not provide Israeli Arabs, who constitute 20 percent of the population, with the same quality of education, housing, employment, and social services as Jews. In addition, government spending is proportionally far lower in predominantly Arab areas than in Jewish areas. As part of their efforts to address the problem, some government officials publicly acknowledged significant discrimination against Israel's non-Jewish citizens. The Government appointed an Arab citizen to the board of the Israel Land Authority in November. This marks the first representation of non-Jews on this body. Israeli-Arab organizations have challenged 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 current Government continues to use this document for planning in the Galilee.

Relative to their numbers, Israeli Arabs are underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. Well-educated Arabs often are unable to find jobs commensurate with their level of education. Arab Ph.D.'s suffer the greatest problems in this regard. A small number of Israeli Arabs have risen to responsible positions in the civil service, gen-

erally 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 had only modest results. Arab citizens comprise only 6.2 percent of the civil service and less than one percent of the positions in the four senior-most civil service grades. The Government has allocated only very limited resources to enforce landmark 1995 legislation prohibiting discrimination in employment. Several ministers publicly called for increased Arab representation in the civil service in August, as well as for the reduction of employment discrimination in the private sector. In June an Israeli contractor was denied permission to hire four Bedouin workers. The contractor was instructed to hire foreign workers who received the required permits within an hour. Late in the year, after publicity revealed that El Al, the Israeli national airline, employed no Arab Israeli cabin crew members, in spite of numerous applications, the airline hired its first Arab Israeli flight attendant and committed to hiring more.

In practice, Israeli Arabs are not allowed to work in companies with defense contracts or in security-related fields. The Israeli Druze and Circassian communities are subject to the military draft, and although some have refused to serve, the overwhelming majority accepts service willingly. Some Bedouin and other Arab citizens who are not subject to the draft serve voluntarily. Those who do not serve in the army have less access than other Israelis to those social and economic benefits for which military service is a prerequisite or an advantage, such as housing, new-household subsidies, and government or security-related industrial employment. Under a 1994 government policy decision, the social security child allowance for parents who did not serve in the military and did not attend a yeshiva (including Arabs) was increased to equal the allowance of those who had done so.

Israeli Arab groups allege that many employers use the prerequisite of military service to avoid hiring non-Jews. For example, in 1997 a Haifa employment agency ran ads seeking Arabic-speaking telephone operators and listed military service as a prerequisite. An Israeli Arab group noted that there was no clear justification for this requirement, and it threatened to file a civil suit under a law prohibiting employment discrimination, and defining requirements unrelated to actual work as discriminatory. The employment agency eventually agreed to change the advertisement and run it again.

The Government has yet to fulfill its commitment to resolve the legal status of unrecognized Arab villages. Eight villages have been recognized officially since 1994, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remain in limbo. Such villages have none of the infrastructure, such as electricity, water, and sewers, provided to recognized communities. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services. Of the eight villages that have been recognized, the Government has yet to actually update the regional master plans or provide infrastructure such as water and electricity. In 1998 the High Court of Justice ordered the Ministry of Education to provide electricity to schools in several unrecognized villages in the Negev.

Arab children make up about a quarter of the public school population, but government resources for them are less than proportionate to those for Jewish children. Many schools in Arab communities are dilapidated and overcrowded, lack special education services and counselors, have poor libraries, and have no sports facilities. Arab groups also note that the public school curriculum stresses the country's Jewish culture and heritage.

Israeli-Arab students also are 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 May 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 during 1998.

Unresolved problems of many years' standing also include claims by Arab groups that land expropriation for public use has 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 expropriated unjustly for public use; and that successive governments have blocked the return to their homes of persons 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-time demand to be allowed to rebuild

their houses; in the meantime, permission has been given to Jewish settlements to increase their land holdings in the disputed areas.

In 1991 the Government launched Operation Solomon, which airlifted 14,000 Ethiopian immigrants to Israel. Due to language and educational barriers and cultural differences, many immigrants have had a difficult time adjusting to life in their new home and many immigrants from Ethiopia currently live in poverty. There were occasional reports of societal discrimination during the year; however, there were far fewer reports than in previous years.

Section 6. Worker Rights

a. *The Right of Association.*—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 are independent of the Government. Histadrut members democratically elect 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 are elected individually.

During the year, the Histadrut administration continued its drastic reshaping of the labor federation, including further reductions in staff and services, as Histadrut shifted its concentration to those areas directly related to employment. At year's end, membership—which once reached 1.65 million persons—stood at about 650,000.

The right to strike is exercised regularly. Unions must provide 15 days' notice prior to a strike unless otherwise specified in the collective bargaining agreement. However, unauthorized strikes occur. 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 were often the central issues of dispute.

Palestinians from the West Bank and Gaza Strip who work in Israel may not join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories are not permitted to conduct activities in Israel (see Section 6.a. of the annex). However, nonresident workers in the organized sector are 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 is minimal.

Labor laws apply to Palestinians in East Jerusalem and to the Syrian Druze living on the Golan Heights.

Unions are free to affiliate with international organizations.

b. *The Right to Organize and Bargain Collectively.*—Israeli workers fully exercise their legal rights to organize and bargain collectively. While there is no law specifically prohibiting antiunion discrimination, the law against discrimination could be cited to contest discrimination based on union membership. No antiunion discrimination has been reported.

Nonresident workers may not organize their own unions or engage in collective bargaining, but they are entitled to be represented by the bargaining agent and protected by collective bargaining agreements. They do not pay union membership fees, but are required to pay a 1 percent agency fee, which entitles them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor may extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversees personal contracts in the unorganized sectors of the economy.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, specifically including child forced labor, and neither citizens nor nonresident Palestinians working in Israel generally are subject to this practice; however, women are trafficked for the purpose of prostitution, including forced prostitution (see Section 6.f.). Civil rights groups charge that unscrupulous employers often take advantage of illegal workers' lack of status to hold them in conditions amounting to involuntary servitude (see Section 6.e.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Children who have attained the age of 15 years, and who are liable to compulsory education under the Compulsory Education Law, may not be employed unless they work as apprentices under the Apprenticeship Law. Notwithstanding these provisions, children who are at least 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.

There are no reliable data on illegal child workers. They are concentrated among Israel's Arab population and its most recent Jewish immigrants. Illegal employment is found primarily in urban, light-industrial areas. 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. The Government specifically prohibits forced child labor, and it generally does not occur (see Section 6.f.).

e. *Acceptable Conditions of Work.*—Legislation in 1987 established a minimum wage at 45 percent of the average wage, calculated periodically and adjusted for cost of living increases. At year's end, the minimum wage was about $700 (roughly 2,800 new Israeli shekels) per month. The minimum wage often is supplemented by special allowances and is generally sufficient to provide a worker and family with a decent standard of living. Union officials have expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who sometimes pay 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. By national collective agreements, the private sector established a maximum 45-hour workweek in 1988. The public sector moved to a 5-day, 42½ hour workweek in 1989, while the military adopted it in 1993.

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 are employed on a daily basis and, unless they are employed on shift work, are not authorized to spend the night in Israel. At the end of 1998, the Government was considering a change in this provision to allow Palestinian workers to remain overnight for a week at a time. Palestinians without valid work permits are subject to arrest.

Nonresident workers are paid through the Employment Service of the Ministry of Labor, which disburses wages and benefits collected from employers. The Ministry deducts a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administers the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers are not eligible for all NII benefits. They continue to be insured for injuries occurring in Israel and the bankruptcy of a worker's employer. They do not have access to unemployment insurance, general disability payments, low-income supplements, or child allotments. By contrast, Israeli settlers in the occupied territories who work in Israel have the same benefits as other Israeli workers. The International Labor Organization (ILO) has long criticized this inequality in entitlements. The Government 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. Implementation of this change is still under way.

There was increased public debate over the role in the workplace and society of foreign workers, who are estimated to number 200,000 or more, perhaps half of them undocumented and employed illegally. The majority of such workers come from Eastern Europe and Southeast Asia, and most are employed in the construction and agricultural sectors. The law does not allow such workers citizenship or permanent residence. As a result, they and their families live in a legal and social limbo. Government deportations of such workers take place without benefit of due process.

Along with union representatives, the Labor Inspection Service enforces labor, health, and safety standards in the workplace, although resource constraints affect overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates are responsible for safety and health in the workplace.

Workers do not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provide some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

6.f. *Trafficking in Persons.*—Trafficking in women for the purpose of prostitution has become a significant problem in recent years. According to a study by the Israel Women's Network, every year hundreds of women from the former Soviet Union are brought to Israel by well-organized mafia networks and forced through violence and threats to work illegally as prostitutes.

There are no laws against trafficking in persons. Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. According to press reports, brothels are ubiquitous despite being illegal, and police officials estimate that there are 25,000 paid sexual transactions every day.

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. The West Bank and Gaza Strip now are administered to varying extents by Israel and the Palestinian Authority (PA). 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 PA, while retaining responsibility in the West Bank and Gaza Strip for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters. Negotiations to address the permanent status issues including Jerusalem, borders, settlements, refugees, water, and other matters convened for an initial session in May 1996, lapsed for several years, and resumed late in the year pursuant to the September Sharm el-Sheikh Memorandum.

Pursuant to the agreements signed between the PLO and Israel, the PA by 1996 had full or partial control over most major Palestinian population centers in the Gaza Strip and West Bank. In 1998 and during the year, Israel implemented further redeployments, in partial fulfillment of its obligations under the Interim Agreement, the Wye River Memorandum, and the Sharm el-Sheikh Memorandum.

Israel and the Palestinian Authority have varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Israel continues to control certain civil functions and is responsible for all security in portions of the occupied territories categorized as Area C, which includes the Israeli settlements. In areas known as Area B, the PA has jurisdiction over civil affairs and shares security responsibilities with Israel. The PA has control over civil affairs and security in Area A. The PA also has jurisdiction over some civil affairs in Area C. Accordingly, this report discusses the policies and practices of both the Israeli Government and the PA in the areas where they exercise jurisdiction and control.

Israel continues to exercise civil authority in some areas of the West Bank through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK, which replaced the now defunct Civil Administration (CIVAD). The approximately 170,000 Israeli settlers living in the West Bank and Gaza Strip are subject to Israeli law and are treated better by Israeli authorities than are Palestinians. The body of law governing Palestinians in the Israeli-controlled portions of the territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Laws and regulations promulgated by the PA also are in force. The international community considers 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 considers the Hague Regulations applicable and states that it observes the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected Government in democratic elections, which generally were well-conducted. The 88-member Council and the Chairman of the Executive Authority were elected. The PA also has a cabinet of 30 ministers. PA Chairman Yasir Arafat continues to dominate the affairs of government and to make 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 PLO. The Council meets regularly and discusses a range of issues significant to the Palestinian people and the development of an open, democratic society in the Gaza Strip and West Bank. Political commentators and members of the Council complain that it does not have sufficient influence on policy or the behavior of the executive. The PA judiciary is subject to executive influence.

Israeli security forces in the West Bank and Gaza Strip consist of the Israeli Defense Forces (IDF); the General Security Service (GSS or Shin Bet); the Israeli National Police (INP); and the paramilitary border police. Israeli military courts try Palestinians accused of committing security crimes in Israeli-controlled areas. Members of the Israeli security forces committed human rights abuses.

The Palestinian Police Force (PPF) was established in May 1994 and includes 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; emergency services and rescue; and the Palestinian

Coastal Police. Other quasi-military security organizations, such as the military intelligence organization, also exercise de facto law enforcement powers. Palestinian police are 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 are not subject to PA security force jurisdiction. Members of the PA security forces committed human rights abuses.

The economy of the West Bank and Gaza Strip is small, poorly developed, and highly dependent on Israel. The economy relies on agriculture, services, and to a lesser extent, light manufacturing. Israel restricts the movement of persons and products into Israel and Jerusalem from the West Bank and Gaza. In addition, since 1993 Israel has applied "closures," or enhanced restrictions, on the movement of persons and products for lengthy periods following terrorist attacks. Israel enforced its closure policy less stringently than it did in 1998. Palestinians and their vehicles require permits to cross from the West Bank or Gaza into Israel and Jerusalem. Many West Bank and Gaza workers are employed at day jobs in Israel and Jerusalem, making their employment vulnerable to disruption. On occasion, Israel imposes a tightened version of closure in the wake of terrorist incidents, and when it believes that there is an increased likelihood of terrorist attacks or unrest in the occupied territories. Comprehensive, tightened closures also were instituted during major Israeli holidays. During these times, Israel cancels all travel permits and prevents Palestinians—even those with valid work permits—from entering Israel or Jerusalem. Israel imposed 15 days of tightened, comprehensive closure during the year; this represents a decrease in comprehensive closure days compared with the previous year. In past years, in response to changes in the security environment, the Israeli Government also periodically prohibited most travel between certain towns and villages within the West Bank (an "internal" closure), hampering the flow of goods and persons; however, this did not occur during the year. Palestinians who travel between some cities in the West Bank must pass through Israeli-controlled checkpoints where they sometimes are subjected to verbal and physical harassment by Israeli security personnel.

Both Israel and the PA were responsible for serious human rights abuses; however, while there were several marked improvements in Israel's human rights record in the occupied territories, the PA's human rights record worsened in several areas. Israeli security forces committed a number of human rights abuses during the year. Several Palestinians were killed in violent confrontations with Israeli security units, who at times used live ammunition against Palestinian demonstrators and shot at demonstrators or individuals indiscriminately. Israeli security forces abused Palestinians suspected of security offenses. However, a landmark decision by the Israeli High Court of Justice in September 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. Following the ruling, there were no credible reports of such abuse by the security forces. Prison conditions are poor, and Israeli authorities arbitrarily arrest and detain persons. Prolonged detention, limits on due process, and infringements on privacy rights remained problems. Israeli authorities placed some limits on freedom of assembly and movement.

PA security forces committed numerous serious human rights abuses during the year. PA security officials committed abuse, and in some cases torture, against prisoners and detainees. Palestinian security forces killed three persons in violent confrontations. PA security forces used excessive force, and in some cases, live ammunition against Palestinian demonstrators and shot at demonstrators and individuals indiscriminately. Two other Palestinians died in PA custody. PA police officials claim that Ramadam Abu Shahin died in June after being accidentally shot during interrogation. Muhammad Ahmed Shreiteh died in PA police custody in Hebron. Family members alleged that he was tortured while in custody; the PA did not perform an autopsy or investigate his death. Due largely to the decrease in terrorist attacks during the year, PA security forces made fewer arrests than in previous years; however, there continue to be credible accounts of torture and abuse of prisoners and detainees. PA prison conditions are very poor. PA security forces arbitrarily arrest and detain persons, and prolonged detention is a problem.

Lack of due process is a problem. The courts are inefficient, lack staff and resources, and do not ensure fair and expeditious trials. The PA executive and security services frequently ignore or fail to carry out court decisions. Lack of due process is a serious problem in the PA's state security courts. PA security forces infringed on citizens' right to privacy. Although the PA claims to respect its citizens' right to express themselves freely, it limited freedom of speech and of the press. The PA continued to harass, detain, and abuse journalists. PA harassment led many Palestinian commentators, reporters, and critics to practice self-censorship. The PA

placed some limits on freedom of assembly and association. Violence against women and "honor killings" persist. Societal discrimination against women and the disabled is a problem. Child labor is a problem.

During the year, one Palestinian died in an attack perpetrated by Israelis, while Israeli civilians, including settlers, harass and attack Palestinians in the West Bank and Gaza Strip. In general, settlers are not prosecuted for these acts and rarely serve prison sentences when convicted of a crime against Palestinians.

Palestinians in the West Bank and Gaza Strip continued to harass, abuse, and attack Israelis, especially settlers. Extremist Palestinian groups and individuals, including the militant Islamic Resistance Movement (HAMAS) and the Palestine Islamic Jihad (PIJ), continued their efforts to undermine the authority of the PA and halt progress in the Israeli-Palestinian peace process by wounding Israelis in 3 attacks in the occupied territories and Israel.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Members of the Israeli security forces killed three Palestinians at military checkpoints and roadblocks inside the occupied territories. In these cases, Israeli authorities stated that the individuals were shot after failing to obey orders to halt. Palestinians dispute these accounts and charge that Israeli soldiers used excessive and unnecessary force.

On June 3, Israeli soldiers shot and killed Alla Yusef Mahmud Abu Sharkh at the Samu checkpoint near Hebron while he allegedly was trying to avoid stopping at the checkpoint.

On October 1, Khader Shaleh 'Afaneh Badwan was shot and killed by Israeli police personnel in Jerusalem while trying to escape police in a stolen car. Palestinian bystanders claim that police shot Badwan after he already had surrendered; Israeli police personnel say that they are investigating the incident.

On October 25, an IDF soldier shot and killed Musa Faiz Helail, a souvenir vendor, at Rachel's Tomb, a Jewish religious site in Bethlehem. The IDF soldier said that he shot Helail because he was attempting to stab him. Palestinian bystanders dispute this claim and assert that Helail did not try to harm the soldier.

Israeli security units also shot and killed three Palestinians who they state were engaged in acts of terrorism. On January 13, Israeli undercover police shot and killed a suspected Palestinian terrorist in a shootout south of Hebron in which an Israeli policeman also died. A Palestinian and an Israeli policeman also were wounded in the confrontation. In December Israeli security forces shot and killed two members of HAMAS in a Beit Awa shootout.

During the year, violent clashes between Palestinian demonstrators and Israeli security forces resulted in two Palestinian deaths and a number of wounded. IDF regulations permit the use of both rubber-coated metal bullets and live ammunition only when a soldier's life is in immediate danger, to halt fleeing suspects, to disperse a violent demonstration, or to fire on an "individual unlawfully carrying firearms." According to policy, soldiers should direct fire at the legs only and may fire at a fleeing suspect only if they believe that a serious felony has occurred and they have exhausted other means to apprehend the suspect. It is forbidden to open fire in the direction of children or women, even in cases of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Israeli soldiers and police sometimes used live ammunition or rubber-coated metal bullets, which can be lethal, in situations other than when their lives were in danger and sometimes shot suspects in the upper body and head.

On January 6, Israeli soldiers in Hebron shot and killed Bader Qawasmeh with live ammunition during a curfew in the Israeli-controlled section of the town. IDF soldiers say that they shot Qawasmeh by accident and that they believed that the toy gun he was playing with was real.

On January 26, Israeli policemen shot and killed Zaki Nur Al-Din 'Ubayd during a clash between soldiers and Palestinians who were protesting the demolition of a house in an East Jerusalem neighborhood. 'Ubayd reportedly was shot in the upper body with a rubber-coated metal bullet.

In May Mahmud Abu Hajar, 18, died from gunshot wounds sustained in March 1994. Israeli soldiers had shot Hajar in the head during a confrontation and he had been in a coma since that time.

One Palestinian security detainee died in an Israeli prison after suffering a heart attack (see Sections 1.a. and 1.c. of the Israel report).

Palestinian security forces shot and killed three Palestinians during confrontations this year. On March 10, Palestinian security forces shot and killed Ala Jumaa Al-hams, age 17, and Khamis Mahmoud Salama, age 17, during riots in the Gaza

Strip; Palestinians were protesting the fact that the PA security court sentenced one security official to death and two others to long prison terms for killing another PA security official (see Sections 1.e. and 2.b.). Human rights organizations charged that PA security forces used excessive force. Palestinian security forces wounded between 40 and 70 other Palestinian demonstrators during confrontations the following day (see Section 1.c.).

During the year, two Palestinians died in PA custody. On June 27, 23-year-old Ramadan Abu Shahin of Nablus was shot and killed while being interrogated by Palestinian police at a police station in the West Bank town of Anabta; Abu Shahin was arrested at a PA roadblock because he was riding in a stolen car. PA officials say that in the course of their interrogation, Abu Shahin began pushing a police officer, who pushed him back while holding an AK–47 assault rifle. According to PA officials, the rifle accidentally went off, killing Shahin (see Section 1.c.). In December a PA military court found the police officer guilty of murder and sentenced him to 8 years in prison.

On October 4, 33-year-old Muhammad Ahmad Shreiteh died in PA custody in Hebron. According to prison officials, he died of a heart attack; however, family members alleged to one human rights organization that he was tortured while in PA police custody. The PA did not perform an autopsy and PA officials did not respond to human rights organizations' queries about the death (see Section 1.c.).

On February 26, Colonel Ahmad Atiyah Abu-Mustafa of Gaza was executed after the PA's state security court convicted him of raping a young boy. Human rights groups criticized the court's decision for ignoring due process (see Section 1.e.).

On February 11, Dr. Naeelah Hamdan Aied Garaeen was stabbed to death near the Old City of Jerusalem, possibly by an unidentified "serial stabber" who had killed a number of Palestinians in Jerusalem over the past few years. Later that same day, an unidentified Palestinian stabbed an Israeli bank guard in East Jerusalem, possibly in retaliation (see Section 1.c.).

During the year, the Palestinian Authority's state security court sentenced Jamil Munir Jadallah to life in prison for killing two Israelis in 1998. His lawyer complained that he had not had sufficient time to prepare his case.

On January 13, one undercover Israeli border policeman was killed and one was wounded in a shootout near Hebron with members of the radical HAMAS group. One HAMAS terrorist was killed and one was wounded in the confrontation.

In July an Israeli military court sentenced Salem Sarsour, a member of HAMAS to three consecutive life terms in prison for the 1998 killing of an elderly rabbi and for wounding dozens of soldiers and civilians in two grenade attacks.

b. *Disappearance.*—Two Palestinians who disappeared under suspicious circumstances in 1997 remained unaccounted for during the year. Shafiq Abdul Wahhab, a suspected land dealer, disappeared in 1997 and his whereabouts remain unknown. The PA established a committee in 1997 to investigate his disappearance but has failed to locate him. Taysir Hmiadan Ziyadi, a Palestinian who married an Israeli woman in 1992 and received an Israeli identification card in 1996, disappeared in July 1997 during a trip to the Gaza Strip. His whereabouts remain unknown.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Israeli laws and administrative regulations prohibit the physical abuse of detainees; however, Israeli security forces abused, and in some cases tortured, Palestinians suspected of security offenses, and lawyers for security prisoners continued to file numerous challenges of the use of torture. However, a landmark decision by the Israeli High Court of Justice in September 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. Following the ruling, there were no credible reports of such abuses by security forces. The High Court categorically rejected the Israeli Government's contention that these practices were "moderate physical pressure," and therefore permissible under the law, though the Court left open the possibility that such practices might be acceptable if specifically authorized by new legislation.

Prior to the High Court's decision, Israeli laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases (see Section 1.c. of the Israel report). The head of the GSS was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which includes violent shaking) while interrogating detainees. These practices often led to excesses.

Most convictions in security cases before Israeli courts are based on confessions. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow International Committee of Red Cross (ICRC) representatives access to detainees until the 14th day

of detention. This prolonged incommunicado detention contributes to the likelihood of abuse. Detainees sometimes claim in court that their confessions are coerced, but judges rarely exclude such confessions. It is likely that some Palestinian detainees fail to make complaints either from fear of retribution or because they assume that such complaints would be ignored. During the year, there were no known cases in which a confession was thrown out because of improper means of investigation or interrogation.

Israeli authorities also sometimes treat Palestinians in an abusive manner at checkpoints, subjecting them to verbal and physical harassment.

Israeli soldiers killed and wounded several Palestinians at checkpoints (see Section l.a.).

Israeli security forces shot and injured over a dozen Palestinians during confrontations. In March Israeli soldiers shot and wounded two Palestinians in Nablus who were protesting the uprooting of Palestinian olive trees.

On April 10, Israeli security forces shot and wounded two Gazan fisherman; the security forces charged that they were fishing in a prohibited zone and disobeyed orders to stop their boat.

In June Israeli security forces shot and wounded 15 Palestinians in the West Bank and 2 in the Gaza Strip during the "days of rage" demonstrations protesting Israeli settlement activity in the occupied territories (see Section 2.b.).

In July IDF soldiers shot and wounded nine Palestinians who stoned an Israeli military outpost in the Gaza Strip.

On November 20, Israeli soldiers shot and wounded 10 Palestinians in the West Bank during a protest organized by the Fatah Youth Organization to call for the release of Palestinian prisoners (see Section 2.b.).

The PA does not prohibit by law the use of torture or force against detainees. Human rights monitors report that PA security forces were responsible for torture and widespread abuse of Palestinian detainees. Such abuse generally took place after arrest and during interrogation. In 1995 the Gaza civil police commander issued to police officers in the West Bank and Gaza a directive forbidding torture during interrogation and directing the security forces to observe the rights of all detainees. However, the directive does not have the force of law; Palestinian security officers have not been issued formal guidelines on the proper conduct of interrogations. The PA lacks adequate equipment to collect and use evidence, and convictions are based largely on confessions. The high premium put on confessions heightens the possibility of abuse.

PA security officials abuse 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 they had been violently shaken while in PA custody. International human rights monitoring groups have documented widespread arbitrary and abusive conduct by the PA. Human rights groups say that use of torture is widespread and not restricted to those persons detained on security charges. Human rights groups state that those Palestinians who are suspected of belonging to radical Islamic groups are more likely to be treated poorly. In August Sami Naufal, a leader of the Islamic National Salvation Front, was arrested and detained for a week. He reportedly was beaten, denied sleep, held in painful and awkward positions, and beaten on the feet. In March General Intelligence forces arrested, detained, and physically abused a 15-year-old boy after his father escaped from prison (see Section 1.d.).

During the year, two Palestinians died in PA custody. In one case, family members claim that the prisoner died after being tortured (see Section l.a.). Despite its promises to do so, the PA has failed to publicize the results of its investigations or to release the findings of its investigations to diplomats or human rights organizations.

In March Palestinian security forces wounded 40 to 70 Palestinian demonstrators during riots in the Gaza Strip (see Sections 1.a. and 2.b.).

During the year, there were several allegations that corrupt PA security officials abused their authority and detained persons in order to extort money from them and their families (see Sections 1.d. and 1.e.).

In November two signatories of a petition that accused the PA of corruption and failing to win significant gains from the peace process (see Sections 1.d. and 2.a.) were attacked. One of the signatories was attacked and wounded by unidentified assailants and the other was beaten by members of the General Intelligence Organization. The director of a human rights organization who signed a statement supporting the petition was subsequently hit on the head with a stone by unknown assailants.

Israeli settlers harass and threaten Palestinians in the West Bank and Gaza Strip. Human rights groups received several dozen reports during the year that Israeli settlers in the West Bank beat Palestinians and destroyed the property of Palestinians living or farming near Israeli settlements. For example, in December unidentified assailants threw a carpenter's file out of a building owned by settlers; the file pierced the skull of Hamad Diyis as he walked by. In general, settlers are not prosecuted for these crimes and rarely serve prison sentences even when convicted of a crime.

Palestinians continued to harass, abuse, and attack Israelis, especially settlers. While overall harassment of Israeli civilians by Palestinians was lower than in previous years, several Israelis were injured when Palestinians stoned Israeli cars in the West Bank and Gaza. During the year, members of extremist Palestinian groups attacked and wounded several Israelis in the West Bank and Gaza Strip, including shooting at Israeli motorists.

On January 4, an unidentified Palestinian shot at a bus carrying school teachers from the Kiryat Arba settlement to Hebron, wounding two women.

In January some Palestinians threw two firebombs at an Israeli police station to protest government approval of the construction of housing units for Jews in a Palestinian-populated Jerusalem neighborhood.

On February 11, a Palestinian man stabbed and wounded an Israeli bank guard in East Jerusalem, possibly in retaliation for the killing of a Palestinian earlier in the day (see Section 1.a.).

On August 3, two Jewish settlers were shot and wounded in Hebron by an unidentified Palestinian.

On October 30, an unidentified Palestinian gunman near the West Bank village of Tarqumiyah shot at a bus transporting Israeli tourists, injuring five persons, including children.

Prison conditions in Israeli facilities are poor. Facilities are overcrowded, sanitation is poor, and medical care is inadequate. Palestinians inmates held strikes and protests in support of a number of causes and to protest prison conditions throughout the year. Palestinians in Israeli prisons also held several strikes to protest detention without trial, limits on visits by family members or lawyers, and abuse by prison officials. In some Israeli prisons, authorities now allow Palestinian prisoners to shower every day, whereas in the past they were only allowed to bathe once every several days.

One Palestinian prisoner died in Israeli custody during the year due to a heart attack (see Section 1.a. and Sections 1.a. and 1.c. of the Israel report).

Israel permits independent monitoring of prison conditions, although human rights groups and diplomats sometimes encounter difficulties gaining access to specific detainees.

Prison conditions in PA facilities continue to be very poor. In many cases, facilities are overcrowded, and very old, dilapidated, and neglected. Food and clothing for prisoners is inadequate and must be supplemented by donations from families and humanitarian groups. Palestinian inmates held periodic strikes and protests throughout the year in support of a number of causes and to protest prison conditions and the practice of administrative detention. In some PA prisons, an effort is made to house religious prisoners together. Male and female inmates are housed separately.

During the year, two Palestinians died in PA custody (see Section 1.a.).

The PA permits independent monitoring of its prisons, although human rights groups and lawyers encountered difficulties arranging visits or gaining access to specific detainees. Human rights organizations say that their ability to visit PA jails and detention centers varies depending on which security organization controls the facility. Human rights organizations say that the police, Preventive Security Force, and Mukhabarat were generally cooperative in allowing them to inspect facilities and visit prisoners and detainees. However, they said that the Military Intelligence Organization was less responsive to such requests. Human rights monitors say that prison authorities are sometimes capricious in permitting them access to PA lockups and they rarely are permitted to see inmates while they are under interrogation. In June human rights groups complained that the Gaza police commander temporarily banned them from visiting clients in PA prisons.

Pursuant to an agreement signed in September 1996, the ICRC conducts prison visits but can be denied access to a detainee for 14 days. If abuses occur, they frequently happen during this 2-week period.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, have appointed officials to act as liaisons with human rights groups. These officers claim that they meet with human rights organizations and members of the diplomatic community to discuss human rights cases.

d. *Arbitrary Arrest, Detention, or Exile.*—Israeli authorities arbitrarily arrest and detain persons. Any Israeli policeman or border guard may arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense in the occupied territories, except for areas under exclusive PA control.

Israeli soldiers also may arrest without warrant Palestinians and hold them for questioning for the same reasons. Most of these arbitrary arrests and detentions are for alleged security offenses. Persons arrested for common crimes usually are provided with a statement of charges and access to an attorney and may apply for bail. However, these procedures sometimes are delayed.

Israeli authorities have issued special summonses for security offenses; however, there were no reports that this occurred during the year. Israeli military order 1369 stipulates a 7-year prison term for anyone who does not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. There were no reports during the year that anyone was convicted of failing to respond to a summons. Bail rarely is available to those arrested for security offenses. Although Israeli law does not allow Israelis under the age of 16 to be tried as adults, Israeli courts treat Palestinians over the age of 12 as adults. Defense for Children International (DCI) reported that 220 Palestinian minors were arrested and detained in Israeli prisons during the year, and that at year's end, there were 75 minors in Israeli prisons.

Israeli authorities may hold persons in custody without a warrant for 96 hours; they must be released unless a warrant is issued. Prearraignment detention can last up to 11 days for Palestinians arrested in the occupied territories and up to 8 days for minors and those accused of less serious offenses. Authorities must obtain a court order for longer administrative detentions—up to 6-months from the date of arrest. At hearings to extend detention for interrogation purposes, detainees are entitled to be represented by counsel, although the defense attorney often is not allowed to see or hear the evidence against his client. Detainees either are released at the end of the court-ordered detention or sent to administrative detention if they are not indicted. If there is an indictment, a judge may order indefinite detention until the end of the trial. Israeli regulations permit detainees to be held in isolation during interrogation. Detainees have the right to appeal continued detention.

Although a detainee generally has the right to consult with a lawyer as soon as possible, in security cases authorities may delay access to counsel for up to 15 days. Higher-ranking officials or judges may extend this period. Access to counsel is denied routinely while a suspect is being interrogated, which sometimes can last several weeks. Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact.

A number of factors hamper contacts by Palestinians in Israeli prison and detention facilities with their lawyers, families, and human rights organizations. The Israeli Government routinely transfers Palestinians arrested in Israeli-controlled areas of the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention center in Megiddo, near Afula. Israeli authorities have been known to schedule appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly use such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian lawyers also have trouble traveling to see their clients during Israeli-imposed closures. Israel requires Palestinian attorneys to acquire permits to enter Israel to see their clients held in prisons there. Human rights groups say that Palestinian lawyers from the Gaza Strip have a harder time obtaining these permits than their West Bank counterparts and that they are denied entry into Israel more frequently than West Bank lawyers. Relatives of Palestinian prisoners also complain that sometimes they only learn that visitation rights are canceled when they arrive at the prison following a trip of many hours from the occupied territories.

Family access to Palestinian prisoners improved during the year. Nevertheless, male family members between 16 and 40 years of age, and any family members with security records, are still barred from visiting relatives in facilities in Israel. The ICRC reported that it was easier than in previous years for families to visit inmates in Israeli jails and detention centers in part because Israel imposed fewer days of "tightened closure" on the occupied territories.

Israeli authorities claim that they attempt to post notification of arrest within 48 hours. Nevertheless, Palestinian suspects often are kept incommunicado for longer than 48 hours. Even if an arrest becomes known, it is often difficult to get information on where a detainee is being held or whether he has access to an attorney. Palestinians generally locate detained family members through their own efforts. Palestinians can check with a local ICRC office to determine whether it has information on the whereabouts of a family member. A senior officer may delay for up to 12 days

notification of arrest to immediate family members and attorneys. A military commander may appeal to a judge to extend this period in security cases for an unlimited time.

Evidence used at hearings for administrative detentions is secret and unavailable to the detainee or his attorney. During hearings to appeal detention orders, the detainee and defense lawyer are required to leave the courtroom when secret evidence is presented. Israeli authorities maintain that they are unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. In July 1998, the High Court of Justice ruled that judges, rather than military officials, can 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 are very limited. During the year, some succeeded in persuading the courts to shorten their detentions.

The overall number of Palestinian prisoners and administrative detainees in Israeli jails fell for the third straight year.

Human rights organizations attribute this drop to the continuing absence of major terrorist attacks; in the past, Israeli officials arrested hundreds of Palestinians suspected of terrorist links after major terrorist attacks. In addition, Israel released 350 Palestinian security prisoners pursuant to its obligations under the Sharm el-Sheikh Memorandum. At year's end, 1,354 Palestinian prisoners and detainees were incarcerated in Israeli prisons, military detention centers, and holding centers, a decrease from 1,634 in 1998. According to the Government, 18 Palestinians were in administrative detention at year's end, compared with 83 at the end of 1998. Several have been held for more than 1 year.

Many Palestinians under administrative detention during the past 3 years have had their detention orders renewed repeatedly without meaningful chance of appeal. In July the Israeli Government released the longest-serving Palestinian from administrative detention. Usama Barham, a West Bank Palestinian, was arrested in September 1993 for his affiliation with the terrorist Palestine Islamic Jihad organization and had been held in continuous administrative detention. His release followed an intense effort by human rights organizations and Israeli activists.

PA security forces arbitrarily arrested and detained persons. The PA does not have a uniform law on administrative detention, and security officials do not always adhere to the existing laws in the West Bank and Gaza Strip. Laws applicable in Gaza, which do not apply to the West Bank, stipulate that detainees held without charge be released within 48 hours. These laws allow the Attorney General to extend the detention period to a maximum of 90 days during investigations. Human rights organizations and the PA Ministry of Justice assert that PA security officials do not always adhere to this regulation. Prevailing law in the West Bank allows a suspect to be detained for 24 hours before being charged. The Attorney General may extend the detention period.

The PA Chairman, Yasir Arafat, has not signed the Basic Law and other laws passed by the Palestinian Council (PC) since 1996, which were designed to limit executive branch abuses and to delineate safeguards for citizens. This lack of safeguards has contributed to the tendency of PA security forces to refuse to carry out High Court orders to release detainees.

In some cases, the High Court of Justice ordered the release of prisoners detained for years without trial, and PA security forces released the prisoners several months or a year later. In November 1997, the High Court ordered the release of HAMAS activist Mahmud Muslah; Muslah remained in detention at year's end. In February the High Court ordered the release of Wa'el Farraj, who has been detained without charges since 1996; Farraj remained in detention at year's end.

PA security forces illegally held 14-year-old Yasser Allan Wahidi in detention for 53 days before releasing him on January 17.

According to the Palestinian Independent Commission for Citizens Rights, the High Court ordered approximately 60 detainees released during the year. Of these, only a handful were released from jail. Human rights groups estimate that the PA has held approximately 150 prisoners for more than a year without charge, and that the total number of Palestinians in PA jails reached 842 by year's end.

In January nearly 70 detainees in the PA-run Jneid Prison staged a hunger strike to protest being held for an extended period of time without charge or trial. In February hundreds of Palestinians held demonstrations in Nablus, Hebron, and Gaza to demand the release of administrative detainees in PA prison facilities (see Section 2.b.).

Palestinian security forces sometimes detained or placed under house arrest the relatives of alleged security criminals. On March 2, the General Intelligence Forces arrested and detained for 20 days 15-year-old Bilal Yehya Al-Ghoul after his father,

held for terrorist activity, escaped from a Gaza prison. The minor reported that he was subjected to abuse and torture during his detention (see Section 1.c.).

Lawyers and PA judicial officials acknowledge that, in contravention of the law, PA security services sometimes arrest and detain persons without informing judicial officials. During the year, there were allegations that PA security officials in Gaza arrested and detained Palestinians in order to extort money from them and their families. A Gazan gold merchant, accused of fraud and tax evasion, was detained by security officials without trial for weeks and finally released only after he paid a large "fine" that was levied by a state security court (see Section 1.e.).

PA authorities generally permit prisoners to receive visits from family members, attorneys, and human rights monitors, except for prisoners held for alleged security offenses. PA security officials do not always permit lawyers to see their clients. In principle detainees may notify their families of their arrest, but this is not always permitted.

Human rights organizations report that lawyers sometimes were denied access to their clients during the year. The Society for the Protection of Human Rights and the Environment (LAW) and the Palestinian Centre for Human Rights (PCHR) reported that they were denied access to clients detained in Gaza prisons because of their reports about human rights violations committed by PA officials against detainees (see Section 4).

PA security services have overlapping or unclear mandates that often complicate the protection of human rights. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces are known to detain persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still are not well developed and have not yet been made fully available to the public.

There are many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicates the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services do not, or only sporadically, inform families of a relative's arrest. Most PA security officers remain ignorant of proper arrest, detention, and interrogation procedures, as well as basic human rights standards. Human rights groups continue to provide basic human rights training to PA security services. During the year, human rights groups provided training to representatives of all the PA security services, including the PA Military Intelligence Service. During the year, at least 250 PA security officials participated in human rights courses, bringing the total number of security officials who have graduated from human rights courses to more than 1,550 since the PA's establishment in 1994, according to human rights groups.

PA security forces continued to harass and arbitrarily arrest and detain journalists, political activists, and human rights advocates, who criticized the PA and its policies. A number of journalists were arrested and detained and newspapers and television stations were shut down for expressing views or covering topics unacceptable to the Palestinian Authority (see Section 2.a.).

In November PA security forces arrested eight persons and placed two under house arrest who were signatories of a petition that accused the PA of corruption and failing to win significant gains from the peace process. The PA did not arrest the nine members of the Palestinian Council who also signed the petition and enjoyed parliamentary immunity (see Section 2.a.). On December 19, the PA released six of the signatories; however, 2 remained in detention at year's end.

Neither the Israeli Government nor the PA forcibly deported any Palestinians from the occupied territories during the year.

e. *Denial of Fair Public Trial.*—Israeli law provides for an independent judiciary, and the Government respects this provision. However, in the past, the Israeli judiciary routinely acquiesced to the Government's position in security cases. The landmark Israeli High Court ruling in September (see Section 1.c.) marked a major change in this practice. Palestinians accused by Israel of security offenses in Israeli-controlled areas of the occupied territories are tried in Israeli military courts. Security offenses are defined broadly and may include charges of political activity, such as membership in outlawed organizations. Charges are brought by military prosecutors. Serious charges are tried before three-judge panels; lesser offenses are tried before one judge. Defendants have the right to counsel and to appeal verdicts to the Court of Military Appeals, which may accept appeals based on the law applied in the case, the sentence, or both. The right of appeal does not apply in all cases and sometimes requires court permission. The Israeli military courts rarely acquit Palestinians of security offenses, but sentences sometimes are reduced on appeal.

Trials sometimes are delayed for several reasons: Witnesses, including Israeli military or police officers, do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear, sometimes because they have not been informed of the trial date or because of travel restrictions on Palestinian lawyers. These delays add pressure on defendants to plead guilty to minor offenses; if they do, an "expedited" trial may be held, in which a charge sheet is drawn up within 48 hours and a court hearing scheduled within days.

By law most Israeli military trials are public, although access is limited. Diplomats are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Most convictions in military courts are based on confessions. Evidence that is not available to the defendant or his attorney may be used in court to convict persons of security offenses. There is frequently no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintain that this is due to the refusal of Palestinians to cooperate with the authorities. Physical and psychological pressures and reduced sentences for those who confess can induce security detainees to sign confessions. Confessions usually are given in Arabic but translated into Hebrew for the record because, authorities maintain, many Israeli court personnel speak Arabic but few read it. Palestinian detainees seldom read Hebrew and therefore often sign confessions that they cannot read.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hinder legal defense efforts. Appointments to see clients are difficult to arrange, and prison authorities often fail to produce clients for scheduled appointments.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses are tried under Israeli law in the nearest Israeli district court. Civilian judges preside, and the standards of due process and admissibility of evidence are governed by the laws of Israel, not military orders. Settlers convicted in Israeli courts of crimes against Palestinians regularly receive lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians.

There were no reports that the Israeli Government held political prisoners.

The PA courts are inefficient, lack staff and resources, and as a result often do not ensure fair and expeditious trials, and the PA executive and security services frequently ignore or fail to carry out court decisions.

The PA inherited a court system based on structures and legal codes predating the 1967 Israeli occupation. In the civil court system, cases initially are tried in courts of first instance. There are two appeals courts, one located in Gaza City and the other in Ramallah, which handle appeals from the lower courts. The appeals courts also function as the Palestinian High Court. The decisions of the High Court are not always respected by the executive or enforced by the Palestinian security agencies. In 1995 the PA established state security courts in Gaza and the West Bank to try cases involving security issues. Three military judges preside over each court. A senior police official heads the state security court in Jericho, and three judges preside over it. There is no right of appeal, but the PA Chairman reviews the court's findings and he may confirm or reject the decision. The PA Ministry of Justice has no jurisdiction over the state security courts, which are subordinate only to the Chairman.

One death sentence was carried out in February (see Section 1.a.), but serious questions were raised about lack of due process in the case. In February a Palestinian Colonel was executed after the PA's state security court convicted him of raping a young boy. Human rights groups criticized the decision; they complained that the trial lasted for less than two hours, the defendant did not have sufficient time to prepare his defense, there was no appeals process, and the charges were ill-defined. They also charged that the court had based its decision on public opinion and popular pressure rather than the dictates of law. Other Palestinians convicted by the state security courts received sentences ranging from several years in prison to life in jail with hard labor.

In November Khalid Al-Qidreh was appointed Prosecutor General of the state security courts. Human rights organizations criticized the appointment, saying that it helped institutionalize the controversial court system. They also criticized Al-Qidreh's appointment because he had been dismissed as PA Attorney General in 1997 because of allegations of corruption.

The Gaza legal code derives from British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law applies in PA-controlled areas of the West Bank. Bodies of law in the Gaza Strip and West Bank have been modified substantially by Israeli military orders. According to the Declaration of Principles and the Interim Agreement, Israeli military decrees issued during the occupation theoretically remain valid in both areas and are subject to review pursuant to specific

procedure. The PA states that it is undertaking efforts to unify the Gaza and West Bank legal codes, but it has made little progress. Human rights advocates claim that the PA's judiciary does not operate consistently.

The court system in general is recovering from years of neglect; many of the problems predate PA jurisdiction. Judges and staff are underpaid and overworked and suffer from a lack of skills and training. Court procedures and record keeping are archaic and chaotic. The delivery of justice is often slow and uneven. The ability of the courts to enforce decisions is extremely weak, and there is administrative confusion in the appeals process. A heavy caseload exacerbates these systemic problems.

The PA Ministry of Justice appoints all civil judges for 10-year terms. The Attorney General, an appointed official, reports to the Minister of Justice and supervises judicial operations in both the Gaza Strip and West Bank. In June Zuhair Sourani was appointed Attorney General and Radwan Al-Agha was appointed Chief Justice. Both positions had been vacant for over a year. In September, Arafat decreed that the Chief Justice had the authority to appoint all judges in the West Bank. Human rights organizations and judicial officials criticized the decision, saying it contravened existing law, which stipulated that a judicial council was responsible for appointing judges. West Bank judges held a short-lived strike to protest Arafat's decision.

In November Abd Al Latif Abd Al Fattah, who was convicted of complicity in the torture death of a Palestinian detainee, was appointed as a public prosecutor. In 1998 a PA military court had convicted Abd Al Fattah, then the head of the Mukhabarat's interrogation section in Jericho, of "negligence" for failing to provide timely medical care to Walid Qawasmi, who died in Mukhabarat custody. While in detention, Qawasmi, who was detained for "security reasons", suffered a blow to the head that caused a cerebral hemorrhage and death. Human rights groups viewed the appointment as a sign of the PA's lack of commitment to fostering rule of law in the occupied territories. Fourteen human rights organizations petitioned Arafat to rescind the appointment. In December Abd Al Fattah reportedly was reassigned to the office of the Prosecutor General of the state security courts.

Human rights organizations say the PA's state security courts fail to afford defendants due process. The PA usually ignores the legal limits on the length of prearraignment detention of detainees suspected of security offenses. Defendants often are brought to court without knowledge of the charges against them or sufficient time to prepare a defense. They typically are represented by court-appointed lawyers, who often are not qualified. Court sessions often take place on short notice in the middle of the night and without lawyers present. In some instances, security courts try cases, issue verdicts, and impose sentences in a single session lasting a few hours.

In March a state security court sentenced a security official to death for killing another security official. Human rights groups criticized the proceedings because the accused had inadequate legal representation, the judges were incompetent, and the court ignored exculpatory evidence. The sentence was not carried out.

During the year, the state security courts adjudicated cases that fell far outside the scope of the courts' original mandate. In addition to "security" cases, the courts have on occasion dealt with tax cases and economic crimes, such as smuggling. In January PA Chairman Arafat ratified a state security court decision that found a Gazan, Hisham Rabah Al-Hitu, guilty of tax irregularities. The court sentenced Al-Hitu to 7 years imprisonment with hard labor, ordered him to pay a fine of $1.25 million (5 million NIS) to the PA treasury for "sabotaging the national economy," and to forfeit his family estate. The Palestinian Independent Commission for citizens' rights criticized the referral of tax irregularities cases to the state security courts as a "flagrant encroachment on the mandate and jurisdiction of the regular judiciary." A Gazan gold merchant, accused of fraud and tax evasion, was detained by security officials without trial for weeks and finally released only after he paid a large "fine" that was levied by a state security court (see Section 1.d.).

Several prominent Gazan businessmen agreed to pay "fines" or "taxes" to the PA Ministry of Finance reportedly due to fear of being tried and convicted in a state security court.

There were no reports during the year that persons were convicted for their political beliefs. In 1997 the PA Attorney General acknowledged that the PA held at least 100 political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Israeli military authorities in areas of the West Bank under their control may enter private Palestinian homes and institutions without a warrant on security grounds when authorized by an officer of the rank of lieutenant colonel or above. In conducting searches, the IDF has forced entry and sometimes has beaten occupants and destroyed property. Israeli authorities say that forced entry may occur lawfully only

when incident to an arrest and when entry is resisted. Authorities say that beatings and arbitrary destruction of property during searches are punishable violations of military regulations, and that compensation is due to victims in such cases. The Israeli Government states that it does not keep consolidated information on the claims against the Ministry of Defense for damages resulting from IDF actions.

Israeli authorities did not demolish any Palestinian residences for security reasons during the year; it demolished one in 1998 and eight in 1997. Israeli security forces may demolish or seal the home (owned or rented) of a Palestinian suspected of terrorism without trial; however, they did not do so during the year. The decision to seal or demolish a Palestinian's house is made by several high-level Israeli officials, including the coordinator of the MATAK (formerly CIVAD) and the Defense Minister. Residents of houses ordered demolished have 48 hours to appeal to the area commander; a final appeal may be made to the Israeli High Court. A successful appeal generally results in the conversion of a demolition order to sealing. After a house is demolished military authorities prohibit the owner from rebuilding or removing the rubble. Israelis suspected of terrorism are subject to Israeli law and do not face the threat of home demolition.

In the Gaza Strip and PA-controlled areas of the West Bank, the PA requires the Attorney General to issue warrants for entry and searches of private property. These requirements frequently are ignored by Palestinian security services. PA police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property.

In July and October the PA attempted to ban Gazan workers from working in Jewish settlements in the Gaza Strip. The PA claimed that Palestinian workers should not be allowed to expand Jewish settlements in Gaza and imposed a strike on Gazan day laborers. The PA stopped short of using force to prevent workers from entering the settlements; however, some laborers reported that they feared retribution by the authorities (see Section 2.d.).

PA security forces sometimes detained or placed under house arrest the relatives of alleged security criminals (see Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Israeli Government generally respects freedom of speech in the occupied territories but prohibits public expressions of support for Islamic extremist groups, such as HAMAS and other groups dedicated to the destruction of Israel. Continuing a policy it began in 1994, the Israeli Government did not enforce its prohibition on the display of Palestinian political symbols, such as flags, national colors, and graffiti, acts that are still punishable by fines or imprisonment.

Overall, Israeli censorship of specific press pieces continued to be low. Israeli authorities monitor the Arabic press based in Jerusalem for security-related issues. Military censors review Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists also are subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists is monitored.

Israel often closes areas to journalists when it has imposed a curfew or closure. Israeli authorities have denied entry permits to Palestinian journalists traveling to their place of work in Jerusalem during closures of the territories.

The IDF requires a permit for publications sold in the occupied territories still under its control. Publications may be censored or banned for content deemed anti-Semitic or anti-Israeli. Possession of banned materials is punishable by a fine and imprisonment. During the year, Israel refused to allow publications, including newspapers, into the Gaza Strip on the Jewish holiday of Yom Kippur, when Israel tightened its closure of the West Bank and Gaza Strip.

The PA limited freedom of speech and of the press, although it professes to tolerate varying political views and criticism. In a number of instances during the year, the PA took steps to limit free expression, particularly in regards to human rights issues and allegations of corruption. Press freedom in PA controlled areas is subject to a 1995 press law that does not adequately protect the press. PA security services further stifle the independence of the press by shutting down media outlets, banning publication or broadcast of material, and periodically harassing or detaining media members (see Section 1.d.). Palestinian commentators and human rights groups say that as a result, the practice of self-censorship by journalists is widespread.

In November PA security forces arrested eight persons and placed two under house arrest for signing a petition that accused the PA of corruption and failing to win significant gains from the peace process. The PA did not arrest the nine members of the Palestinian Council who also signed the petition and enjoyed parliamen-

tary immunity. In December the PA released six of the signatories from detention; however, two remained in detention at year's end (see Section 1.d.).

In May the PA detained three editors of the Islamist Al-Risaleh newspaper after it published an article on police corruption. One of the editors, Ghazi Hamad, had been arrested earlier and held for several days for writing an article about alleged PA mistreatment of a Palestinian detainee.

In July PA police officials in Ramallah twice summoned Maher Alami, a West Bank journalist to inform him that his newspaper articles that were critical of the PA had angered the PA Chairman.

On August 5, PA officials arrested and detained human rights activist and commentator Iyad Sarraj after he published a newspaper article criticizing the PA's treatment of human rights organizations. He later was released, but PA authorities temporarily confiscated his passport.

In September police personnel arrested and held for several days four journalists after they reported unflattering stories about PA police officers. Human rights organizations charged that police personnel lacked the proper arrest warrants and that the arrests threatened freedom of the press.

In December the Palestinian Authority called the economics editor of Al-Quds newspaper in for questioning following the publication of a front-page article criticizing the PA Monetary Authority's takeover of the Palestine International Bank. The editor was released after questioning; however, the newspaper then published an article retracting some of its criticisms from the previous day.

On April 26, the PA closed the Amal television station in Hebron for nearly 3 weeks after it broadcast a controversial program on Islam. On May 17, PA officials closed the Al-Ru'ah television station in Bethlehem indefinitely after it aired a program that security officials said could cause tensions between Christians and Muslims.

On September 15, members of the Preventive Security Force (PSF) in Ramallah arrested television talk-show host Maher Adisouki shortly after he allowed a caller on his television program to criticize the PA's failure to persuade Israel to free all Palestinian prisoners held in Israeli jails. The Palestinian Society for the Protection of Human Rights and the Environment complained that the arrest warrant was not executed properly. Adisouki was held in PSF custody for 20 days. He alleged that during his incarceration he was forced to stand for several days with a dirty rag over his eyes and that he was beaten and threatened. PSF officials say that Adisouki was detained for security reasons, not because of the views expressed on his program, and they deny that he was mistreated.

Israeli-imposed closures, while less restrictive than in previous years, nevertheless disrupted the operations of West Bank and Gaza universities, colleges, and schools during the year. Students and staff had difficulty traveling to educational institutions in cities and towns closed or put under curfew by Israeli authorities.

Prior to November, Gaza students routinely were denied travel permits to attend West Bank universities. However, the November opening of the southern safe passage route between Gaza and the West Bank afforded Gazan students greater ability to pursue their education at West Bank educational institutions.

The PA has authority over all levels of education in the West Bank and Gaza Strip and it controls the budgets of all public colleges. The PA did not interfere with education in the West Bank and Gaza Strip during the year.

b. *Freedom of Peaceful Assembly and Association.*—The Israeli Government places some limits on freedom of assembly. Israeli military orders ban public gatherings of ten or more persons without a permit. Since the 1993 signing of the Declaration of Principles, Israel has relaxed enforcement of this rule except in cases of Palestinian demonstrations against land seizures or settlement expansions.

Israeli security forces killed two Palestinian demonstrators and wounded about 2 dozen during the year (see Sections 1.a. and 1.c.). In June Israeli security forces shot and wounded 15 Palestinians in the West Bank and 2 in the Gaza Strip during the "days of rage" demonstrations protesting Israeli settlement activity in the occupied territories (see Section 2.b.). On November 20 Israeli soldiers shot and wounded 10 Palestinians at a protest organized by Fatah Youth in Ramallah (see Section 1.c.).

On May 27, Israeli security officials detained and later released Palestinian protesters participating in a demonstration against the construction of housing for Jews in a Palestinian neighborhood in East Jerusalem.

The PA imposes some formal limits on freedom of assembly; however, while it requires permits for rallies, demonstrations, and large cultural events, these permits rarely are denied. In Gaza police approval is required for "political" meetings at several specific large meeting halls. Written permission also is required for buses to transport passengers to attend political meetings. In West Bank cities, the PA re-

quires permits for outdoor rallies and demonstrations and prohibits calls for violence, a display of arms, and racist slogans, although this is not always enforced.

In February hundreds of Palestinians held demonstrations in Nablus, Hebron, and Gaza to demand the release of administrative detainees in PA prison facilities (see Section 1.d.). In March hundreds of Palestinians protested the Palestinian court's decision to sentence one Palestinian security official to death and two to long prison terms for the killing of another Palestinian security official. Palestinian police shot and killed two protesters during the demonstrations (see Sections 1.a. and 1.e.).

Private Palestinian organizations are required to register with the Israeli authorities in areas under Israeli control, though some operate without licenses. The authorities permit Palestinian charitable, community, professional, and self-help organizations to operate unless Israeli authorities view their activities as a security problem. In previous years, Israeli authorities have forced some Palestinian organizations in East Jerusalem to close because of alleged links to the PA.

The PA reportedly placed some limits on freedom of association. There were periodic complaints during the year from Palestinian political parties, social and professional groups, and other NGO's that the PA tried to limit their ability to act autonomously (see Section 4).

In March 1996 Yasir Arafat outlawed the armed wings of several Palestinian political groups, including Islamic opposition groups. While it is not illegal to belong to the non-military components of Islamic opposition groups, during times of heightened security concern the Authority has harassed and even detained members of the political parts of these organizations.

c. *Freedom of Religion.*—Israeli law provides for freedom of worship, and the Government generally respects this right in practice; it does not ban any group on religious grounds. It permits all faiths to operate schools and institutions. Religious publications are subject to the Publications Laws.

No PA law protects religious freedom; however, the PA generally respects freedom of religion. In past years, there have been allegations that several converts from Islam to Christianity at times are subject to societal discrimination and harassment by PA officials. The PA states that it investigates such complaints, but it has not shared or publicized the results of these investigations with any outside party. However, there was no pattern of PA discrimination and harassment against Christians (see Section 5).

d. *Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.*—The Israeli Government places limits on freedom of movement. Israel requires that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denies applicants permits with no explanation, and does not allow effective means of appeal. In the past, Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, were subjected to long delays and searches at Israeli checkpoints in the West Bank, even though they were traveling on special passes issued by Israel; however, there were no reports that this occurred during the year. In general Palestinians in the West Bank and Gaza Strip find it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Palestinian residents of Jerusalem sometimes are prohibited by Israeli officials from entering PA-controlled areas of the West Bank, and they require written permits from Israel to travel to the Gaza Strip. Prior to the November opening of the safe passage route, residents of the Gaza Strip rarely were able to obtain permission to travel to the West Bank, or residents of the West Bank to enter the Gaza Strip; this was even true of residents of the West Bank and Gaza Strip who regularly received permission to enter Israel. Israeli authorities permit only a small number of Gazans to bring vehicles into Israel and sometimes do not permit West Bank vehicles to enter Jerusalem or Israel. It is also difficult for Palestinians married to Jerusalem residents, but not themselves Jerusalem residents, to obtain permission to live there. A Palestinian with a West Bank identification card, for example, must apply to the Israeli Government for permission to live with his or her Jerusalem resident spouse in Jerusalem. The Israeli Government occasionally issues limited-duration permits and also issues a limited number of Jerusalem identification cards as part of its Family Reunification Program. Except for senior PA officials, and those using the safe passage to the West Bank, Palestinians of all ages crossing between the Gaza Strip and Israel are not permitted to travel by car across the main checkpoint. Instead, they must travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip are permitted to use their cars.

In November Israel and the PA implemented arrangements in the 1995 Interim Agreement to establish a safe passage route across Israel between the Gaza Strip and the southern West Bank. Negotiations are ongoing regarding the establishment

of a safe passage route between the Gaza Strip and the northern West Bank. The safe passage route facilitates the movement of Palestinians between the West Bank and the Gaza Strip to work, study, and visit, and alleviates some of the problems associated with freedom of movement for Palestinians. However, some Palestinian human rights groups criticized the safe passage agreement because they believe it maintains certain limits on freedom of movement. As of the end of November, a total of 15,000 Palestinians received approval to use the safe passage route and 2,900 applicants were refused permits to use the route.

Israel continues to apply its policy, begun in 1993, of closure of the West Bank and the Gaza Strip following terrorist attacks; however, Israel eased its closure policy during the year. On occasion Israel also imposed a tightened version of closure in the wake of terrorist incidents and when it believed that there was increased likelihood of terrorist attacks or unrest in the occupied territories. During these times, Israel tends to cancel all travel permits and prevents Palestinians, even those with valid work permits, from entering Israel or Jerusalem. In the past, tightened closures severely hampered the flow of food, medicine, students, doctors, and patients into and out of the occupied territories, and seriously disrupted commercial activity. Israel imposed tightened closures before Israeli holidays, when officials claimed that an increased potential for terrorist attacks against Israelis existed, after security incidents in the occupied territories, and in anticipation of Palestinian unrest. In the past, Israel also imposed "internal" closures, which prohibited Palestinians from traveling between West Bank towns and villages; however, there were no "internal" closures during the year. Israel imposed tightened overall closure for a total of 15 days during the year. Even in the absence of internal closures, Palestinians who travel between some cities in the West Bank must pass through Israeli-controlled checkpoints where they sometimes are subjected to verbal and physical harassment by Israeli security personnel.

Israel imposed a closure on Hebron for a number of days after settlers were shot and injured in separate shooting attacks in January and August (see Section 1.c.). In both instances it placed the Israeli-controlled section of the downtown under curfew, confining large numbers of Palestinians to their homes while Israelis were generally free to move about. Following a terrorist attack in January that wounded two Israeli settlers, Israel placed checkpoints on major roads leading into Hebron and prevented Palestinians from moving in or out of the city. This closure and accompanying curfew imposed on residents in the Israeli-controlled section of the downtown area lasted for 7 days and interfered with Palestinians' ability to attend school, travel, and conduct business.

Israel also imposed a closure on the West Bank and Gaza for security reasons prior to and during several Jewish holidays during the year.

For 4 days in June and July, Israeli security forces prevented Palestinian officials from passing through checkpoints on the outskirts of Nablus in response to PA officials' refusal to allow Israeli settlers access to the yeshiva at Joseph's tomb, a site holy to both Jews and Muslims.

During part of the year, the IDF prevented Palestinians from walking on part of Shuhada Road in Hebron, while allowing Israeli settlers access to this road; however, in November this road was opened to Palestinians.

In September 1998 Israel began implementing a "continuous employment program" that allows selected Palestinian workers who have been approved by the Ministry of Defense and who are married, are over 28 years old, and have worked in Israel a long time, to enter Israel to work in the event of a tightened closure. Under this program, these workers can renew their entry permits within a few days, rather than within the several days to weeks that previously was the case.

The Israeli Government continued to restrict the movements of two Jewish settlers living in the occupied territories who belonged to the extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command.

The Israeli Government requires all Palestinian residents in areas under its control to obtain permits for foreign travel and has restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process. However, some East Jerusalem Palestinians hesitate to travel due to fear of losing their residency permits. Palestinian males between the ages of 16 and 25 who cross into Jordan must remain outside the occupied territories for 9 months. Restrictions on residence, reentry, and family reunification only apply to Palestinian residents of the occupied territories.

Palestinians who live in the part of Jerusalem that was occupied during the 1967 War generally do not accept Israeli citizenship. They are, therefore, issued a residence permit or Jerusalem identification card by the Israeli Government. Israel applies the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem

identification card holders. This law stipulates that a Jerusalem resident loses the right of residence if the resident 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 Israeli Government does not apply these same restrictions to Israeli citizens.

Invoking the 1952 law as legal justification, the Israeli Interior Ministry has stripped residency rights from hundreds of East Jerusalem Palestinians. In recent years, the pace of revocations increased as the Ministry applied restricted policies, including a "center of life" test to determine whether Palestinians were eligible to retain their identification cards. The Ministry's policy has been the subject of numerous lawsuits, including one considered by the High Court of Justice during the year. In October the newly appointed Minister of Interior, Natan Sharansky, announced that the Ministry would no longer apply the "center of life" criteria used previously to revoke the residency rights of East Jerusalem Palestinians. There reportedly were no identification card revocations after October. During the year, there were 394 revocations compared with 788 revocations in 1998.

Israeli authorities also place restrictions on family reunification. Most Palestinians who were abroad before or during the 1967 War, or who have lost their residence permits for other reasons, are not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experience difficulty in obtaining permission to reside with their family members. However, at the beginning of the year the Israeli Government raised the quota for family reunification applications from 1,200 to 2,400 in the West Bank.

Israeli security authorities single out young (often unmarried) Palestinian males for more stringent restrictions than other Palestinians, citing them as more likely to be security risks. They generally are prohibited from working in Israel.

The PA issues passports and identification cards for Palestinians residing in the West Bank and Gaza. Bearers of Palestinian passports do not need special exit permits from the PA, but when leaving through Ben Gurion Airport they do require permits in order to transit Israel to reach the airport.

Palestinians who hold Jerusalem identification cards, issued by the Israeli Government, must obtain travel documents from the Israeli Government to travel abroad. Human rights groups report that Palestinian residents of East Jerusalem often do not apply for Israeli travel documents because they fear that their application might prompt a reexamination of their residency status and lead to the revocation of their identity cards. On request, the Jordanian Government also issues travel documents to West Bank Palestinians, including those resident in formerly Jordanian-controlled East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. There is also a requirement that Jerusalem Palestinians have a special permit to cross the Allenby Bridge, available for $40 (125 NIS) from the Ministry of Interior. Palestinians who are residents of the West Bank or the Gaza Strip are not allowed to cross between Israel and Jordan at the Sheikh Hussein or Arava crossings.

Palestinians who reside in the West Bank or Gaza are required by Israel to exit and enter with a Palestinian passport. When Israel tightened its closure of the West Bank and Gaza Strip during the year, the Government at times restricted the entry and departure of Palestinians, even those with passports from other countries.

In July and October, the PA attempted to ban Gazan workers from working in Jewish settlements in the Gaza Strip. The PA claimed that Palestinian workers should not be allowed to expand Jewish settlements in Gaza and imposed a strike on Gazan day laborers. The PA stopped short of using force to prevent workers from entering the settlement; however, some laborers reportedly feared retribution by the authorities (see Section 1.f.).

The issues of refugees and borders are matters to be discussed between Israel and the PA in permanent status negotiations.

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

Palestinian residents of the West Bank, Gaza Strip, and Jerusalem chose their first popularly-elected government in 1996. They elected an 88-member Council and the Ra'ees (President or Chairman) of the Executive Authority of the Council. Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Some 700 candidates ran for Council seats. Council members were elected in multimember electoral districts. As many as 35 of the elected members were independent candidates or critics of Arafat and his Fatah faction. International observers concluded

that the election could reasonably be regarded as an accurate expression of the will of the voters, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council complained of its relative lack of power in relation to the executive branch of government.

Municipal elections were tentatively scheduled to be held in June; however, they did not take place.

Most Palestinians in Jerusalem do not recognize the jurisdiction of the Municipality of Jerusalem. Only a very small percentage of Jerusalem's Palestinian population vote in the municipal council elections. No Palestinian resident of Jerusalem sits on the City Council.

Women are underrepresented in government and politics. There are 5 women in the 88-member Council, and 1 woman serves in a ministerial-level position.

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

Many local groups—Israeli, Palestinian, and international—monitored the Israeli Government's human rights practices. The Israeli Government cooperates with human rights organizations; officials normally agree to meet with human rights monitors. The Israeli Government permits human rights groups to publish and hold press conferences. There were no reports during the year that the Israeli Government harassed human rights workers.

Local human rights groups, most of which are Palestinian, as well as several international human rights organizations, monitored the PA's human rights practices. The PA generally cooperates with these organizations and PA officials usually meet with their representatives. Several Palestinian human rights organizations work behind the scenes with the PA to overcome abusive practices in certain areas. They also publish criticism if they believe that the PA is not responding adequately to private entreaties. Human rights groups state that the PA is generally cooperative when dealing with certain kinds of human rights issues; however, human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons during the year. LAW and the Palestinian Centre for Human Rights (PCHR) reported that they were denied access to clients detained in Gaza prisons because of their reports on the violations of the human rights of detainees (see Section 1.d.).

Other human rights groups, including the ICRC and the Palestinian Independent Commission for Citizens' Rights, visited PA prisons and detention centers on a regular basis. However, PA officials are said to be less responsive to queries on the PA's policies towards and treatment of members of Islamist opposition groups.

During the year, Palestinian nongovernmental organizations repeatedly called on the PA to ratify a law passed by the Palestinian Council (PC) in December 1998, which would govern the NGO's activities and their relations with the PA. Ratification of the law was held up due to the PA's attempts to replace the Ministry of Justice with the Ministry of Interior as the agency responsible for the administration of NGO's. At year's end, passage of the law appeared imminent.

The ICRC operates in the PA areas under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accords the ICRC access to all detainees held by the PA and allows regular inspections of prison conditions. In accordance with the agreement, the ICRC conducted routine visits of PA-run prison facilities and to PA-held prisoners throughout the year.

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

Under the complex mixture of laws and regulations that apply to the occupied territories, Palestinians are disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This includes discrimination in residency, land use, and access to health and social services.

Women.—The problems of rape, domestic violence, and violence related to "family honor" have gained greater attention in the Palestinian community, but public discussion generally remains muted. Victims often are encouraged by relatives to remain quiet and are themselves punished or blamed for the "shame" that has been brought upon them and their families. In 1988 a 14-year-old girl who was raped subsequently was beaten to death by her uncle and brother to "protect" family honor. The girl's brother was awaiting trial on murder charges. Women's groups seek to educate women on these problems, but women's rights advocates claim that few resources are available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. They also maintain that society has not been receptive to providing counseling or outreach services to victims

of problems that these advocates see as more widespread than is acknowledged. According to women's groups, there are no reliable data on the incidence of violence against women. Spousal abuse, sexual abuse, and "honor killings" occur, but societal pressures prevent most incidents from being reported and most cases are handled within the families concerned, usually by male family members. In prior years, leaders of HAMAS threatened and tried to intimidate Palestinian women who were involved in programs aimed at empowering women and helping abused women; there were no reports that this occurred during the year.

Palestinian women in both the Israeli- and PA-controlled areas of the occupied territories endure various forms of social prejudice and repression within their own society. Because of early marriage, girls frequently do not finish the mandatory level of schooling. Cultural restrictions sometimes prevent women from attending colleges and universities. While there is an active women's movement in the West Bank, attention has shifted only recently from nationalist aspirations to issues that greatly affect women, such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance.

A growing number of Palestinian women work outside the home, where they tend to encounter discrimination. There are no special laws providing for women's rights in the workplace. Women are underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who are prominent in politics, medicine, law, teaching, and NGO's, women for the most part are underrepresented seriously in the decisionmaking 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) and ecclesiastical courts rule 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 do. The marriage law allows men to take more than one wife, although few do so. Women are permitted to make "stipulations" in the marriage contract to protect them against divorce and questions of child custody. However, only an estimated 1 percent of women take advantage of this section of the law, leaving most women at a disadvantage when it comes to divorce or child custody.

Children.—The Israeli Government's permit policies also affect Palestinian schools. In June the Israeli Government issued a stop-work order to an Area C Palestinian school that was trying to build new bathrooms for its 600 students; the school had no usable facilities. In this case, Palestinian school officials did not apply for a building permit because they believed that they would not receive one. During the year, there were ongoing negotiations about the Hope Flowers school in Bethlehem. Parts of the school, including the kitchen, were built without a permit and the Israeli Government issued orders to demolish these parts. However, due to the high profile of the case, the Government did not demolish any parts of the school by year's end.

The PA requires compulsory education up to 12 years of age. However, early marriage frequently prevents girls from completing the mandatory level of schooling. Currently British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offer protection to children under the Labor and Penal Codes. Existing laws designed to protect children, such as a law that sets the minimum employment age, are not always enforced. While there is no juvenile court system, judges specializing in children's cases generally sit for juvenile offenders. In cases where the child is the victim, judges have the discretion to remove the child from a situation deemed harmful. However, the system is not advanced in the protection afforded children.

There is no societal pattern of abuse of children among Palestinians.

People With Disabilities.—There is no mandated accessibility to public facilities in the occupied territories under either Israeli or Palestinian authority. Approximately 130,000 Palestinians in the West Bank and Gaza are disabled. Some Palestinian institutions care for and train disabled persons; however, their efforts are chronically underfunded. Many Palestinians with disabilities are segregated and isolated from Palestinian society; they are discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities.

Religious Minorities.—There are periodic allegations that a small number of Muslim converts to Christianity in the Palestinian community sometimes are subject to societal discrimination and harassment by PA officials. The PA states that it investigates such complaints, but it has not shared or publicized the results of these investigations with any outside party. However, there was no pattern of PA discrimination and harassment against Christians (see Section 2.c.).

Section 6. Worker Rights

a. *The Right of Association.*—Labor affairs in the West Bank came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. Until a new law being drafted by PA authorities comes into effect, labor affairs in the West Bank are governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. The law permits workers to establish and join unions without government authorization. The earlier Israeli stipulation that all proposed West Bank unions apply for a permit no longer is enforced. Israeli authorities previously have licensed about 35 of the estimated 185 union branches now in existence. Following a process to consolidate trade unions in the West Bank, there are now 12 trade unions there.

Palestinian workers in Jerusalem are governed by Israeli labor law. They are free to establish their own unions. Although the Government restricts Jerusalem unions from joining West Bank trade union federations, this restriction has not been enforced. Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions are not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who work in Israel or Jerusalem are not full members of Histadrut, but they are required to contribute 1 percent of their wages to Histadrut. 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 who work in Israel are required to contribute to the National Insurance Institute (NII), which provides unemployment insurance and other benefits. Palestinians from the West Bank and Gaza are eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians working in Israel and Jerusalem continue to be insured for injuries occurring in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave. The Israeli Government has transferred the NII fees collected from West Bank and Gazan workers to the PA, which is to assume responsibility for their pensions and social benefits.

There are outstanding cases of Palestinian workers who have attempted to sue their Israeli employers for non-payment of wages but are unable to travel to the relevant courts because they are unable to receive the proper permits.

The great majority of West Bank unions belong to the Palestinian General Federation of Trade Unions (PGFTU). The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU is intended to enable the West Bank and Gaza unions to better represent the union members' interests; the reorganization had not yet been finalized at year's end.

An estimated 88,000 workers in the West Bank are members of the PGFTU, the largest union bloc, which consists of 12 trade unions in the West Bank and 8 in Gaza. The organization has 43,455 members in Gaza. The PGFTU estimates actual organized membership, i.e., dues-paying members, at about 30 percent of all Palestinian workers.

No unions were dissolved by administrative or legislative action during the year. 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. There are no laws in the territories that specifically protect the rights of striking workers. In practice, such workers have little or no protection from an employer's retribution.

The PGFTU has applied for membership in the International Confederation of Free Trade Unions (ICFTU).

b. *The Right to Organize and Bargain Collectively.*—A majority of workers in the occupied territories are self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the territories consists of wage jobs, most with the United Nations Relief and Works Agency (UNRWA), the PA, or in municipalities. Collective bargaining is protected. Labor disputes are adjudicated by committees of three to five members in businesses employing more than 20 workers.

Existing laws and regulations do not offer real protection against antiunion discrimination.

One industrial zone is in operation in the Gaza Strip and others in the West Bank are being developed.

c. *Prohibition of Forced or Compulsory Labor.*—PA law does not prohibit specifically forced or compulsory labor, including by children, but there were no reports of such practices during the year (see Section 6.d.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age in the West Bank and Gaza is 14 years. Most observers agree

that a significant number of Palestinian children under the age of 16 years work. Many children under the age of 12 are engaged in some work activities. Most of this employment is believed to involve work on family farms, in family shops, or as urban street venders. Some employment of children also is reported to occur in small manufacturing enterprises, such as shoe and textile factories. The law does not prohibit specifically forced or compulsory labor by children, but there were no reports of its use (see Section 6.c.).

The PA's capacity to enforce existing laws is limited. It has only 40 labor inspectors to inspect an estimated 65,000 enterprises. The International Labor Organization and UNICEF are 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 is currently no minimum wage in the West Bank or Gaza Strip. The average wage for full-time workers appears to provide a worker and family with a decent standard of living.

In the West Bank, the normal workweek is 48 hours in most areas; in Gaza the workweek is 45 hours for day laborers and 40 hours for salaried employees. There is no effective enforcement of maximum workweek laws.

The PA Ministry of Labor is responsible for inspecting work places and enforcing safety standards in the West Bank and Gaza. The Ministry of Labor states that new factories and work places meet international health and safety standards but that older ones fail to meet minimum standards. In October a fire in an unlicensed workshop in Hebron where cigarette lighters were being assembled killed 14 workers, all of them young women. The fire illustrated the prevalence of sweatshops in the PA and unregulated labor practices. There is no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

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

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy that was ruled by King Hussein bin Talal from 1952 until his death in February. On February 7, King Hussein's eldest son, Crown Prince Abdullah bin Hussein, acceded to the throne. 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 these responsibilities. The Prime Minister and other members of the Cabinet are appointed by the King and manage the daily affairs of government. The Parliament consists of the 40-member Senate, appointed by the King, and the 80-member Chamber of Deputies, which is elected every 4 years. The lower house asserts itself 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. According to the Constitution, the judiciary is independent of other branches of government; however, in practice it is susceptible to political pressure and interference by the executive.

General police functions are the responsibility of the Public Security Directorate (PSD). The PSD, the General Intelligence Directorate (GID), and the military share responsibility for maintaining internal security and have authority to monitor the activities of persons believed to be security threats. The security forces continue to commit human rights abuses.

Jordan has a mixed economy, with significant but declining government participation in industry, transportation, and communications. The country has few natural resources and relies heavily on foreign assistance and remittances from citizens working abroad. The economy continues to suffer from chronically high unemployment. As part of its reenergized economic reform program, the Government has removed subsidies on several staple goods, lifted price controls on others, and streamlined government budget practices. Price controls remain on bread, pharmaceuticals, and a small number of other staple items. In mid-year, the sales tax was increased from 10 percent to 13 percent. Wages remained stagnant and continued to erode the purchasing power of most citizens. Exporters have not yet found adequate replacement markets for those lost as a result of U.N. sanctions against Iraq. Additional trade with Iraq under the "oil for food" resolution has not affected the economy significantly. High expectations that significant markets would develop in the West Bank, Gaza, and Israel following the 1994 signing of the Jordan-Israel peace treaty

have not been realized. Per capita gross domestic product in 1998 was approximately $1,553.

There continued to be significant problems in the Government's human rights record. Citizens do not have the right to change their government, although they may participate in the political system through political parties and parliamentary elections. Other human rights problems include police abuse and mistreatment of detainees; allegations of torture; arbitrary arrest and detention; lack of accountability within the security services; prolonged detention without charge; lack of due process of law and interference in the judicial process; infringements on citizens' privacy rights; harassment of members of opposition political parties and the press; and significant restrictions on freedom of speech, press, assembly, and association. The 1998 Press and Publications Law placed major restrictions on the ability of journalists and publications to function and report freely; however, the 1999 Press and Publications Law, which became effective on October 16, reduced these restrictions somewhat. The Government imposes some limits on freedom of religion, and there is official and societal discrimination against adherents of the Baha'i Faith. Early in the year, the evangelical Christian community reported an increased incidence of governmental harassment. There are some restrictions on freedom of movement. Violence against women, restrictions on women's rights, and societal discrimination against women are problems. The law still allows for reduced punishments for violent "honor crimes" against women for alleged immoral acts. Child abuse remains a problem, and discrimination against Palestinians persists. Abuse of foreign servants is a problem.

RESPECT FOR HUMAN RIGHTS

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

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

In May Mahmoud Rashid Qasem Mohammed Ishtayeh died in a hospital while in police custody. In August his family claimed that he died of injuries suffered in a beating; however, prison officials maintained that Ishtayeh died of natural causes. Human rights sources were unable to uncover any evidence to support the family's claims or refute the Government's position.

The security services continue to be reluctant to conduct transparent investigations into allegations of wrongful deaths that occurred in previous years during police detention.

There was no further investigation of the March 1998 incidents in which Masaeed tribesmen were killed by security forces. There were no new developments in the killing of Mohammad Al-Khattub, who was shot during an altercation between demonstrators and security forces in February 1998. A subsequent government investigation stated that Al-Khattub was killed by demonstrators; however, the media cited alleged witness accounts that he had been shot by security forces while fleeing.

There were no developments in the investigation of the police officers involved in the alleged wrongful deaths of Ismail Suleiman Ajarmeh, who died in February 1998; Samer Muhammad Ziyad, who died in June 1997; Younis Mahmoud Abu Dawlah, who died in December 1996; or Mahmoud Khalifah, who died in June 1995. All four men died while in government custody.

Women continued to be victims of "honor killings" (see Section 5).

b. *Disappearance.*—There were no reports of politically motivated disappearance.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the law provides prisoners with the right to humane treatment, the police and security forces sometimes abuse detainees physically and verbally during detention and interrogation and allegedly use torture as well. Allegations of torture are difficult to verify because security officials frequently deny detainees timely access to lawyers. The most frequently alleged methods of torture are sleep deprivation, beatings, and extended solitary confinement. Defendants in high-profile cases before the State Security Court have claimed to have been subjected to physical and psychological abuse while in detention. Government officials deny allegations of torture and abuse.

Approximately 40 cases of beatings while in police custody were reported to the Arab Organization for Human Rights. There are believed to be many more incidents that were not documented.

Periodic detentions of foreign workers continue and allegations of overcrowded cells and physical abuse by guards persist.

Filipino and other foreign workers who were arrested at their homes in September and October 1998 subsequently were released. Senior government officials

publicly took responsibility for the incidents; however, no action was taken against the members of the security forces who were involved.

Prisons and local police detention facilities are Spartan, and on the whole are severely overcrowded and understaffed.

Prisoners detained on national security grounds often are kept in separate prisons maintained by the GID. Conditions in GID facilities are significantly better than general police detention facilities.

With some exceptions, the ICRC is permitted unrestricted access to prisoners and prison facilities, including GID facilities and the recently reopened Al-Jafr prison. However, from late December 1998 through March 8, the ICRC suspended visits to facilities where security detainees were being held because the authorities refused to give the ICRC access to one specific detainee. Local human rights monitors are allowed to visit prisons, but complain that they are required to go through a lengthy and difficult procedure with the authorities to obtain permission for such visits.

d. *Arbitrary Arrest, Detention, or Exile.*—The security forces arbitrarily arrest and detain citizens. 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.

The Criminal Code requires that legal authorities file formal charges within 10 days of an arrest. However, the courts routinely grant requests from prosecutors for 15-day extensions as provided by law. This practice generally extends pretrial detention for protracted periods of time. In cases involving state security, the authorities frequently hold defendants in lengthy pretrial detention, do not provide defendants with the written charges against them, and do not allow defendants to meet with their lawyers until shortly before trial. Defendants before the State Security Court usually meet with their attorneys only 1 or 2 days before their trial.

The Government detains persons, including journalists, for varying amounts of time for what appear to be political reasons (see Section 2.a.). Human rights sources reported that more than 300 persons were detained for security reasons throughout the year. This number likely underestimates the total number of detainees.

In January a student at the Jordan Evangelical Theological Seminary (JETS) was jailed for 2 weeks and then deported to Egypt. In February a Sudanese national was jailed for 17 days and then deported to Sudan. In April a church worker for Campus Crusade for Christ was detained for 5 days and questioned about his religious activities (see Section 2.c.).

On his arrival at Amman's Queen Alia International Airport on May 17, Mohammed Nizami was arrested and charged with "lese majeste," or slandering the King, stemming from his purported comments on an Internet "chat" site critical of the Government. He was incarcerated for 18 days and his passport was confiscated. He was released on $10,000 (7,000 dinars) bail and departed the country without standing trial (see Section 2.a.).

Upon arrival at Queen Alia International Airport on September 22, two leaders of the Islamic Resistance Movement (HAMAS), Khaled Mishal and Ibrahim Ghosheh, were detained along with four of their bodyguards (all six are Jordanian citizens). The bodyguards subsequently were released. Mishal and Ghosheh were held for 1 month and then expelled along with two other HAMAS leaders, Izzat Rishuq and Sami Khater (see Sections 2.b. and 2.d.).

The Government uses the threat of detention to intimidate journalists into practicing self-censorship (see Section 2.a.). Typically, a journalist who has criticized a government official or policy is detained for 5 to 10 days. While in detention, the journalist may experience abuse (see Section 2.a.). Charges rarely are filed. Convictions are rare, but proceedings may last several years, with defendants required to appear in court regularly, only to be informed that another in a series of continuances has been issued in their case.

In June journalist Shaker Al-Jawhari was summoned to GID headquarters and then detained overnight. While detained he was questioned about his political writings, which were critical of the Government (see Section 2.a.).

In July journalist Senan Shaqdih was detained for 2 weeks, during which time he was subjected to psychological abuse. He was accused of publishing items harmful to Jordan's ties with a neighboring country. He finally was released in August by order of King Abdullah (see Section 2.a.).

In August editor Abdul Karim Al-Barghouti was detained pending investigation of the allegation that he slandered Prime Minister Rawabdeh's son. He was released on bail 4 days later. After his release, he reported having been treated well (see Section 2.a.).

In September Azzam Yunis, the editor in chief of the independent newspaper Al-Arab Al-Yawm, was arrested in connection with the publication of articles by Shiekh

Abdul Mun'em Abu Zant, a pro-HAMAS Islamist and former legislator, and was released on bail the same day.

Laith Shubaylat, who was sentenced in 1998 to 9 months in prison for inciting riots but refused a pardon claiming that he was not guilty, was released from prison in October 1998.

There was no further information on Basil Abu Ghoshe, a 21-year-old man who continued to be detained despite having completed his sentence in 1998, ostensibly for his own protection against threats from a rival tribe.

The security services detained approximately 65 persons, described in the press as "Islamists," during the year; this figure includes 15 persons arrested in December. These detentions were related to allegations of involvement in terrorist or strictly political activities.

The Government does not use forced exile routinely; however, Jordanian HAMAS leaders Khaled Mishal, Ibrahim Ghosheh, Izzat Rishuq, and Sami Khater were expelled in October (see Sections 2.b. and 2.d.).

e. *Denial of Fair Public Trial.*—The Constitution provides for the independence of the judiciary; however, the judiciary is subject to pressure from the executive branch. A judge's appointment to, advancement within, and dismissal from the judiciary are determined by a committee whose members are appointed by the King. The Ministry of Justice has great influence over a judge's career and often subverts the judicial system in favor of the executive branch. There have been numerous allegations that judges have been "reassigned" temporarily to another court or judicial district in order to remove them from a particular proceeding. In one instance in 1998, in order to avoid a trial before the regular court of appeals, the Minister of Justice allegedly formed a special appeals court panel to try several counts against to an influential member of society who had been charged with the sale of children to foreign adoptive parents. In February 1998, Judge Farouk Al-Kilani was forced to retire from the Supreme Court. Kilani alleged that he was asked to step down because of his involvement in the High Court of Justice's decision that rejected the legality of the May 1997 amendments to the Press and Publications Law. (The Court ruled that the amendments had been approved in an unconstitutional manner on an emergency basis.) Judges also complain of unlawful telephone surveillance.

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. In 1997 the Parliament passed amendments to the law governing the State Security Court that effectively extended its mandate indefinitely. The amendments had been rejected earlier by the lower house's judicial committee as "undemocratic" and contrary to the principle of judicial independence. Shari'a (Islamic) courts have jurisdiction over marriage and divorce among Muslims and inheritance cases involving both Muslims and non-Muslims (see Section 5).

Most trials in the civilian courts are 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 are provided if the defendant in such cases cannot afford to hire legal counsel. Shari'a regards the testimony of one man to be equal to the testimony of two women. This technically applies only in religious courts but, in the past, has been imposed in civil courts as well, regardless of religion.

The State Security Court consists of a panel of three judges who may be either civilians or military officers. Sessions frequently are closed to the public. Defendants tried in the State Security Court often are held in pretrial detention without access to lawyers, although they are 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 these allegations. The Court of Cassation has ruled that the State Security Court cannot 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 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. Military judges appear to receive adequate training in civil law and procedure, and State Security Court decisions are subject to review by the Court of Cassation.

In the past, the press routinely has carried details of cases tried before the State Security Court. However, provisions of the 1998 Press and Publication Law prohibit press coverage of any case that is under investigation without explicit permission

from the authorities. The 1999 Press and Publications Law, which became effective on October 16, now allows journalists to cover court proceedings "unless the court rules otherwise;" however, this change in the law still has not been tested.

There were no reports of political prisoners.

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 respect these constitutional restrictions; however, in security cases, the authorities sometimes—in violation of the law—obtain warrants retroactively or obtain preapproved warrants. Security officers monitor telephone conversations and Internet communication, read correspondence, and engage in surveillance of persons who are considered to pose a threat to the Government or national security. The law permits these practices if the Government obtains a court order. Judges complain of unlawful telephone surveillance (see Section 1.e.).

In May Mohammed Nizami was arrested for remarks about the Jordanian Government made in an Internet chat room (see Section 1.d. and 2.a.). Unlike the previous year, the Government did not block the entry of foreign publications (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 imposes some restrictions on these rights.

The 1998 Press and Publications Law, combined with the 1998 Press Association Law, impose stringent restrictions on the operation of newspapers. The Government also intimidates 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 do not hesitate to criticize the Government openly, but are more circumspect in regard to the King and the royal family.

The Press Association Law limits the practice of journalism to Jordan Press Association (JPA) members, potentially excluding dozens of practicing journalists from the profession. No publishers or journalists have been cited for violating the law. However, in August Prime Minister Abdur-Ra'uf Rawabdeh issued an order directing government offices to cooperate only with JPA members. In October the JPA voted to expel three of its members, who had traveled to Israel, for participation in "normalization" activities. Such an expulsion would have prevented these journalists from practicing their profession. However, the decision was never conveyed formally and, therefore, was never binding. In November the three men signed statements in which they asserted that they saw the fight against normalization with Israel as necessary, and the JPA dropped the matter.

The 1998 Press and Publications Law granted the Government wide discretionary powers to issue fines, withdraw licenses, and order shutdowns to control the editorial content of newspapers. The law prohibited reporting on criminal cases at any stage of the investigation into any case or crime without prior authorization from the public prosecutor. Details of court proceedings may not be published without a court's permission. Violations of this section of the Press and Publications Law entailed a fine of between $7,000 and $14,000 (5,000 and 10,000 dinars). The publication of a newspaper or periodical without a license entails the same fine. However, the 1999 Press and Publications Law, which became effective on October 16, allows journalists to cover court proceedings "unless the court rules otherwise" and reduces the prescribed fine to between $700 and $1,400 (500 to 1,000 dinars) (see Section 1.e.).

It was illegal under the 1998 Press and Publications Law to publish news, opinion, information, reports, caricatures, or photos that disparage the King or the royal family, pertain to the armed forces or security services, harm national unity, disparage religion, offend an individual or harm his reputation, disparage the heads of friendly states, harm the country's relations with other nations, promote perversion or lead to moral corruption, shake confidence in the national currency, or feature false news or rumors. However, amendments that became effective on October 16 removed these specific prohibitions from the Press and Publications Law. Criminal law still places significant restrictions on what can be published.

The 1998 Press and Publications Law also provided that those who seek to obtain a newspaper license must show proof of capital of $700,000 (500,000 dinars) for a daily newspaper, $140,000 (100,000 dinars) for most other publications, and $7,000 (5,000 dinars) for specialized publications. The editor in chief of a newspaper was required under the law to be a citizen and to have 8 years of experience as a full-

time journalist. However, the 1999 Press and Publications Law reduced these requirements by half.

Persons accused of violating the Press and Publications Law are tried in a special court for press and copyright cases. Journalists also are prosecuted for criminal and security violations in connection with their work. Although a substantial number of cases are dismissed before trial, many other cases linger for years. The Government routinely uses detention and prosecution or the threat of prosecution to intimidate journalists and to encourage self-censorship (see Section 1.d.).

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 June journalist Shaker Al-Jawhari was summoned to GID headquarters and then detained overnight. While there, he was questioned about his political writings, which were critical of the Government (see Section 1.d.).

In July journalist Senan Shaqdih was detained for 2 weeks, during which he was subjected to psychological abuse. He was accused of publishing items harmful to Jordan's ties with a neighboring country. He finally was released by order of King Abdullah in August (see Section 1.d.).

For a 4-week period starting on July 17, the official government news agency, Petra, refused to provide news to the Arabic language daily, Al-Arab Al-Yawm, charging its staff with "unethical reporting."

In August editor Abdul Karim Al-Barghouti was detained pending investigation of charges of slandering Prime Minister Rawabdeh's son. He was released on bail 4 days later. After his release, he reported having been treated well (see Section 1.d.).

In September Azzam Yunis, the editor in chief of the independent newspaper Al-Arab Al-Yawm, was arrested in connection with the publication of articles by Sheikh Abdul Mun'em Abu Zant, a pro-Hamas Islamist and former legislator, and was released on bail the same day.

Radio and television news broadcasts are more restricted than the print media. The Government is the sole broadcaster of radio and television programs. The Government has commercial agreements with the British Broadcasting Corporation, the London-based Middle East Broadcasting Center, and Radio Monte Carlo that allows it to simulcast regional programs using local radio transmitters. Jordan Television (JTV) reports only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts are available and unrestricted.

In May Mohammed Nizami was arrested and charged with "lese majeste," or slandering the King for allegedly making critical remarks about the Government in an Internet chat room (see Sections 1.d. and 1.f.).

Unlike the previous year, the Government did not block the entry of foreign publications (see Section 1.f.).

In a high profile case, Dr. Mustafa Hamarneh was demoted in July from his position as head of the Center for Strategic Studies at Jordan University, apparently as a result of his outspoken political views.

b. *Freedom of Peaceful Assembly and Association.*—The Government restricts freedom of assembly. Citizens must obtain permits for public gatherings. The Government granted almost no permits for demonstrations during the year and denies permits for public protests and rallies that it determines pose a threat to security.

The Government restricts freedom of association. The Government requires but routinely grants approval for conferences, workshops, and seminars.

The Government routinely licenses political parties and other associations. There are currently 23 licensed political parties. Membership in an unlicensed political party is 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.

Upon arrival at Queen Alia International Airport on September 22, two leaders of HAMAS, Khaled Mishal and Ibrahim Ghosheh, were detained along with four of their bodyguards (all six are Jordanian citizens). The bodyguards subsequently were released. Mishal and Ghosheh were held for 1 month and then expelled, along with two other HAMAS leaders, Izzat Rishuq and Sami Khater (see Sections 1.d. and 2.d.).

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;" however, the Government imposes some restrictions on freedom of religion. Citizens may not al-

ways practice the religion of their choice. According to the Constitution, Islam is the state religion.

Islamic institutions are managed by the Ministry of Religious Affairs and Trusts, which appoints imams and subsidizes certain activities sponsored by mosques. Religious institutions, such as churches that wish to receive official government recognition, must apply to the Prime Ministry for registration. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant churches for purposes of family law, such as divorce and child custody. The Government does not recognize a number of religions.

Over 90 percent of the population are Sunni Muslim, and approximately 6 percent are Christian. The Government does not recognize religious faiths other than the three main monotheistic religions: Islam; Christianity; and Judaism. In addition not all Christian denominations have been accorded official government recognition. Officially recognized denominations include the Greek Orthodox, Roman Catholic, Greek Catholic (Melkite), Armenian Orthodox, Maronite Catholic, and the Assyrian, Anglican, Lutheran, Seventh-Day Adventist, United Pentecostal, and Presbyterian Churches. Other churches, including the Baptist Church, the Free Evangelical Church, the Church of the Nazarene, the Assembly of God, and the Christian Missionary Alliance, are registered with the Ministry of Justice as "societies" but not as churches. There are also small numbers of Shi'a and Druze, as well as adherents of the Baha'i Faith.

The Government does not interfere with public worship by the country's Christian minority. However, although the majority of Christians are allowed to practice freely, some activities, such as proselytizing or encouraging conversion to the Christian faith—both considered legally incompatible with Islam—are prohibited. Christians are subject to aspects of Shari'a (Islamic law) that designate how inheritances are distributed.

The Government does not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-Day Saints, but each of these denominations is allowed to conduct religious services and activities without interference.

The Government does not recognize the Baha'i Faith as a religion but does not prohibit the practice of the faith. However, Baha'is face both official and societal discrimination. The Government does not record the bearer's religion on national identity cards issued to Baha'is, nor does it register property belonging to the Baha'i community. Adherents of the Baha'i Faith are considered as Muslims for purposes of family and inheritance law. Unlike Christian denominations, the Baha'i community does not have its own court to adjudicate personal status and family matters. Baha'i personal status matters are heard in Shari'a courts.

Non-Jordanian Christian missionaries operate in the country but are subject to restrictions. Christian missionaries may not proselytize Muslims. In late 1998 and early 1999, foreign Christian mission groups in the country complained of increased bureaucratic difficulties, including refusal by the Government to renew residence permits. One couple affiliated with the Anglican Church was accused of converting a Muslim minor to Christianity and ordered to leave the country. The couple stated that the minor in question had been attending their church for several months before they met him.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, applied in August 1998 for a permit to purchase land on which to construct a seminary and campus. In April permission was granted to purchase the land on the condition that JETS register and receive accreditation from the Ministry of Education. Pending such registration, authorities suspended renewal of the residence permits of all of the seminary's foreign students (who come from 14 foreign countries), and 2 members of the faculty. As a result of their association with the JETS, noncitizen Arab Muslim students have been deported or asked to leave the country. For his participation in the school, Iraqi national Hakim Ismael was jailed in December 1998 for approximately 2 weeks in a cell with 30 to 40 other inmates, many of whom had been accused of common crimes. Following his incarceration, Ismael was released and advised to leave the country. In January another JETS student, Mahoud Ali Mabrouk, was jailed for 2 weeks and then deported to Egypt (see Section 1.d.). In February a Sudanese national, Alaa El Din Ali, was jailed for 17 days and then deported to the Sudan (see Section 1.d.).

In November 1998, the authorities ordered the closure of the regional office of ICI, an educational branch of the U.S.-based Assemblies of God churches, for an alleged violation of the health code. Although an Amman court later found the citation to have no basis in law, the ICI regional director was nevertheless ordered to vacate the premises, from which Christian literature was distributed. In February 1999, the ICI regional director, a 9-year resident in the country, reapplied for a residence permit as an Assemblies of God missionary but his application initially was denied;

no reason was given for the denial. The missionary's residence permit later was issued in May.

In April a church worker with Campus Crusade for Christ (or Life Agape) was detained on the campus of the University of Jordan while leading a Bible study session for a small group of students. He was taken to a GID detention center where he was held for 3 days, questioned about his religious activities, and told to provide the names of individuals who had attended religious events with him. He was denied an opportunity to contact his family. After 3 days, he was transferred to a detention facility in Amman and held in a small cell with 40 other detainees, who all shared one toilet. The religious worker was released 2 days later after signing a statement that he would cease his "controversial" religious activities. He has since been barred from entering the university's campus.

The Government notes individuals' religions (except for Baha'is) on the national identity card and "family book" (a national registration record issued to the head of every family that serves as proof of citizenship) of all citizens.

The Constitution provides that congregations have the right to establish schools for the education of their own members "provided that they comply with the general provisions of the law and be subject to the control of government in matters relating to their curricula and orientation."

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. 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. In cases where 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.

The law prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians is allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complain of social and government discrimination. The Government does not recognize fully the legality of such conversions. Under Shari'a converts are regarded as apostates and legally may be denied their property and other rights. However, this principle is not applied. Converts from Islam do not fall under the jurisdiction of their new religion's laws in matters of personal status and still are considered Muslims under Shari'a, although the reverse is not true. Shari'a prescribes a punishment of death for conversion; however, there is no equivalent statute under national law.

The Political Parties Law prohibits houses of worship from being used for political party activity. The law was designed primarily to prevent Islamist parliamentarians from preaching in mosques.

Religious instruction is mandatory for all Muslim students in public schools. Christian and Baha'i students are not required to attend courses in Islam.

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 Jordanian passport. Authorities enforce requests from fathers to prevent their children from departing the country, even when the children are traveling with their mothers.

Jordanians with full citizenship receive passports that are valid for 5 years. Most Palestinians living in Jordan are citizens and receive passports that are valid for 5 years. However, approximately 150,000 Palestinian residents—most refugees or children of refugees who arrived from Gaza after 1967—do not qualify for citizenship. They receive 2-year passports valid for travel only. (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 has stressed that these passports are for travel only and do not connote citizenship, which only can be shown by presenting one's "national number," a civil registration number accorded at birth or upon naturalization to persons holding citizenship. The national number is recorded on national identity cards and in family registration books, which are issued only to citizens.

Following a successful lawsuit in 1997 by a West Bank resident who, prior to 1988, had held a Jordanian passport (the authorities had refused to issue the plaintiff a new passport), the authorities began to issue 5-year Jordanian passports to those who are deemed to be noncitizens of Palestinian origin. However, such residents do not enjoy the rights of citizens because they have no national number. All Palestinians must obtain permits from the Ministry of the Interior for travel between Jordan and the Israeli-occupied territories. Such permission is granted routinely.

The Constitution specifically prohibits the deportation of citizens. However, the Government expelled four leaders of HAMAS, Khaled Mishal, Ibrahim Ghosheh, Izzat Rishuq, and Sami Khater, all four of whom are citizens (see Sections 1.d. and 2.b.).

There is no law or statute that provides for the granting of refugee status to asylum seekers. The Government generally cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The UNHCR must resettle refugees in other countries. However, in April 1998, 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. Since 1996 the UNHCR has held regular seminars to train law enforcement officials in international refugee law, including specialized courses for policewomen. The Government provides first asylum. According to UNHCR figures, 48,588 persons have sought asylum through the UNHCR, and in approximately 6,000 cases (approximately 14 percent), applicants have been accorded refugee status.

The Government estimates that over 180,000 Iraqis reside in the country. Since 1991 thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. During the year, 8,633 persons applied for, and 1,174 were accorded, refugee status. The UNHCR also received applications for refugee status during the year from Sudanese, Syrian, and Libyan asylum seekers.

For one school year (1998–99), Iraqi children were permitted to enroll in school regardless of their status. However, for the 1999–00 school year, the Government reverted to its previous policy of denying Iraqi children admittance to school unless they were residents of the country or recognized as refugees by the UNHCR.

Over 1.5 million Palestinian refugees are registered in Jordan 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

Citizens do not have the ability to change their government. The King has sole discretionary authority to appoint and dismiss the Prime Minister and the Cabinet, to dissolve Parliament, and to establish public policy. Appointments made by the King to high 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.

The Parliament is composed of the 40-member Senate, appointed by the King, and the popularly elected 80-member Chamber of Deputies. The Parliament is empowered by the Constitution to initiate legislation, and it can 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 the Parliament for its consideration. Opposition Members of Parliament have complained 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. By law 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, this does not always occur.

The Electoral Law and the distribution of parliamentary seats deliberately favor electorates in rural and southern Jordan, regions with populations known for their traditional, pro-Hashemite views.

Over 500 candidates competed in the 1997 parliamentary elections, despite a boycott by Islamist and other parties. There were many reports of registration irreg-

ularities and fraud on the part of candidates. Restrictions on the press and on campaign materials also had a negative effect on the campaign, which elicited much debate over the fairness of the Electoral Law and its implementation. Voter turnout was significantly lower in most urban areas than in rural areas. Centrist candidates with ties to major tribes dominate the Parliament.

The municipal elections in July featured the participation of the parties that had boycotted the 1997 parliamentary elections; however, low voter turnout necessitated a second day of balloting. The process generally was regarded as free and fair.

The so-called one-man, one-vote amendment to the Electoral Law was ratified by Parliament in 1997, nearly 4 years after it was first enacted by royal decree. The amendment 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. As a result, the amendment in practice has tended to limit the chances of some nontribal candidates, including women, to be elected.

Women have the right to vote, and women's groups encourage women to vote and to be active in the political process; however, they are underrepresented at the local and national level. There is one female minister. There are three female senators, but no women hold seats in the Chamber of Deputies.

Of the 80 seats in the lower house, 9 are reserved for Christians, 6 for Bedouins, and 3 for the Circassian or Chechen ethnic minorities.

The Palestinian community, estimated to be slightly over half of the total population, is not represented proportionately in the Government and legislature. Only 7 of 24 ministers, 7 of 40 senators, and 11 of 80 lower house deputies are of Palestinian origin. 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 investigate allegations of human rights abuses and publish and disseminate findings critical of government policy. However, the Press and Publications Law has restricted the publication of information about the military and security services, which, in effect, prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security services. The 1999 amendments to the Press and Publications Law removed these specific restrictions, but restrictions still exist in the penal code.

The local chapters of the Arab Organization for Human Rights (AOHR) and the Jordanian Human Rights Organization (JHRO) are registered with the Government. The AOHR has drawn public attention to alleged human rights abuses and a range of other political issues and has pressed the Government to bring formal charges against political detainees or to release them promptly. It asserts that the Government responds to only about 10 percent of the complaints that it submits on behalf of individuals who allegedly were subjected to human rights violations by the authorities.

The ICRC generally is permitted full and unrestricted access to detainees, including those held by the GID and the military intelligence directorate. However, for 2 months during the year, the ICRC was not allowed to visit one specific prisoner who was detained by the GID (see Section 1.c.). As a result, the ICRC suspended its visits to GID detention facilities during that period. After the GID relented, the ICRC resumed visits to GID detainees.

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

Although the law does not distinguish between citizens on the basis of race, women, minorities, and others are treated differently under the law and face discrimination in employment, housing, and other areas.

Women.—Violence against women is common. Reported incidents of violence against women do not reflect the full extent of the problem. Medical experts acknowledge that spousal abuse occurs frequently. However, cultural norms discourage victims from seeking medical or legal help and frustrate an objective assessment of 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 discourage them from seeking legal remedies. Marital rape is not illegal. NGO's, such as the Jordanian Women's Union, which has a telephone hot line for victims of domestic violence, provide assistance in such matters. Wife beating is technically grounds for divorce, but the 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 allows leniency for a person found guilty of committing a "crime of honor," a euphemism that refers to a violent assault with intent to murder against a female by a male relative for alleged sexual misconduct. Law enforcement treatment of men accused of "honor crimes" reflects widespread unwillingness to recognize the abuse involved or take action against the problem. Sixteen such murders were reported during the year in which the victims were shot, strangled, stabbed, bludgeoned, and run over with vehicles. Human rights monitors believe that many more such crimes were committed but not documented as honor crimes. Moreover, most crimes of honor are not reported by the press. The actual number of honor crimes is believed to be significantly higher. One forensic medical examiner estimated that 25 percent of all murders committed in the country are honor crimes. The police regularly imprison women who are potential victims of honor crimes for their own protection. There were up to 50 women involuntarily detained in this form of "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, in which case the perpetrator of the "honor crime" is judged not guilty of murder. Although few defendants can meet the stringent requirements for a crime of honor defense, that is, the defendant personally must have witnessed the female victim engaging in sexual relations, most avoid trial for the crime of murder, being tried instead on the charge of manslaughter, and even those convicted of murder rarely spend 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 commonly also rely on the male relative having acted in the "heat of passion" upon hearing of a female relative's alleged sexual transgression, usually without any investigation on the part of the assailant to determine the veracity of the allegation before committing the assault. Defenses in these cases fall under Article 98 of the Penal Code. Women may not invoke these defenses for murdering a male relative under the same circumstances, nor may they use them for killing men who attempt to rape, sexually harass, or otherwise threaten their "honor."

On February 6, Hussein Suleiman ran over his pregnant sister Malak Suleiman three times with his pickup truck. According to his own testimony, he wanted to make sure that his sister was dead so that he could "cleanse his family honor." On July 27, he was sentenced to 1 year in prison.

On February 10, after providing bail for her release from prison, Maha Walid's father, brother, and uncle took her to the back yard of their home. They argued about her alleged "immoral behavior." Her uncle then shot her in the head and handed the gun to her father, who shot her twice, fired the gun into the air, and shouted that he had "cleansed his honor." On July 12, the three men were sentenced to 5 months each for the crime.

In June one judge broke with tradition and refused to accept the "heat of passion" defense in an honor crime case. The court sentenced Khalil Mohammad to 15 years in prison for the murder of his wife, rejecting his plea that he had killed her in a fit of fury, "because he already knew about her behavior in the past and did not kill her."

In December the National Committee to Eliminate "Crimes of Honor" presented leaders of the upper and lower houses of the Parliament with a petition signed by 15,000 citizens demanding an end both to crimes of honor and the legislation that protects perpetrators of such crimes.

The lower house rejected in November a government-supported amendment that would have eliminated Article 340; however, the Senate approved the same measure in December. The amendment was returned to the lower house for reconsideration. If the lower house again rejects the measure, the two houses would meet in joint session to settle the issue.

Women experience legal discrimination in matters of pension and social security benefits, inheritance, divorce, and the value of court testimony. A woman's testimony is worth only half that of a man (see Section 1.e.). The Government provides men with more generous social security benefits than women. The Government continues pension payments of deceased male civil servants to their heirs but discontinues payments of deceased female civil servants.

Under Shari'a female heirs receive half the amount of a male heir's inheritance, 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 all his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Under Shari'a men are able to divorce their spouses more easily than women. Marriage and divorce matters for Christians are adjudicated by special courts for each denomina-

tion. Married women are ineligible for work in the diplomatic service, and, until recently, most women in the diplomatic corps automatically were assigned to administrative positions. There are five female judges in the country.

The law requires a married woman to obtain her husband's permission to obtain 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 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 lack 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 is ignored.

Social pressures discourage many women from pursuing professional careers. Nonetheless, women have employment opportunities in many professions, including engineering, medicine, education, and the law. Women constitute approximately 14 percent of the work force and 50 percent of university students. Women's groups stress that the problem of discrimination is not only one of law, but also of women's lack of awareness of their rights or unwillingness to assert those rights. The U.N. Food and Agriculture Organization reported in 1995 that women who work in agriculture average 15-hour days and earn less than men. The Jordanian chapter of the Business and Professional Women's Club gives seminars on women's rights and assists women in establishing small businesses. Members of the royal family work 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 are constrained by limited financial resources. Education is compulsory until age 15, but children who do not attend school or attend infrequently are not considered truant. The law prohibits corporal punishment in schools; however, such punishment is known to occur. For one school year (1998–99), Iraqi children were permitted to enroll in school regardless of their status. However, for the 1999–00 school year, the Government reverted to its previous policy of denying Iraqi children admittance to school unless they were residents of the country or recognized as refugees by the UNHCR (see Section 2.d.).

The Government safeguards some children's rights, especially regarding child labor. Although the law prohibits children under the age of 16 from working, child vendors work the streets of Amman (see Section 6.d.). 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. Declining economic conditions have caused the number of these "street children" to increase steadily over the last 10 years. Selling newspapers, tissues, small food items, or gum, these street vendors, along with the other children who pick through trash dumpsters to find recyclable cans to sell, are sometimes the sole source of income for their families.

Although the problem is difficult to quantify, social and health workers believe that there is a significant incidence of child abuse in families, and that the incidence of child sexual abuse is 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.

Illegitimate children are entitled to the same rights under the law as legitimate children. However, in practice they suffer severe discrimination in a society that does not tolerate adultery. 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.

People with Disabilities.—High unemployment in the general population restricts job opportunities for disabled persons, estimated by the Ministry of Social Development to number 100,000. Eighty percent of disabled citizens receive monetary assistance from the Government. The Government passed legislation in 1993 requiring future public buildings to accommodate the needs of the disabled and to retrofit existing public buildings, but implementation has been slow. Since 1993 the Special Education Department of the Ministry of Social Development has enrolled approximately 10,000 mentally and physically disabled persons in public and private sector training courses. It has placed approximately 400 disabled persons in public and private sector jobs. The law requires that 2 percent of the available jobs be reserved

for the physically disabled. Private organizations and members of the royal family actively promote programs to protect and advance the interests of the disabled.

Indigenous People.—The country's indigenous people, nomadic Bedouin and East Bank town dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy. As a result, they generally have enjoyed considerable influence within the political system. They are represented disproportionately in senior military, security, and civil service jobs. Nevertheless, many Bedouin in rural areas are severely disadvantaged economically.

Religious Minorities.—In general Christians do not suffer discrimination. Christians hold government positions and are represented in the media and academia approximately in proportion to their presence in the general population, which is estimated at 6 percent. Baha'is face some societal and official discrimination. Their faith is not recognized officially, and Baha'is are classified as Muslims on official documents, such as the national identity card. Christian and Baha'i children in public schools are not required to participate in Islamic religious instruction.

National/Racial/Ethnic Minorities.—The Government granted citizenship to all Palestinians who fled to Jordan 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 are not entitled to citizenship and are issued 2-year passports valid for travel only. In 1995 King Hussein announced that West Bank residents without other travel documentation would be eligible to receive 5-year Jordanian passports. However, the Government has stressed that these passports are for travel only and do not connote citizenship (see Section 2.d.). Palestinians residing in Jordan, who make up about 60 percent of the population, suffer discrimination in appointments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships.

Section 6. Worker Rights

a. *The Right of Association.*—Workers in the private sector and in some state-owned companies have the right to establish and join unions. Unions must be registered to be considered legal. The law prohibits union membership for noncitizens. Over 30 percent of the work force are organized into 17 unions. Although union membership in the General Federation of Jordanian Trade Unions (GFJTU), the sole trade federation, is not mandatory, all unions belong to it. The Government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to 4-year terms. Although the Government cosponsors and approves the timing of these elections, it does not interfere in the choice of candidates.

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 by 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 binding legally. 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.

In July in protest over a recent contract between the Pepsi-Cola Company and The Food Workers Union, 255 of Pepsi's approximately 1,200 employees staged an illegal strike. The company issued two warnings to the workers and then dismissed them. After the Minister of Labor intervened, the company reinstated all but 115 of the employees and offered a severance package to the rest. After this agreement, the Ministry of Labor continued to urge the company to reinstate the remaining fired employees.

In August the Jordan Cable and Wire Company laid off 20 of its 220 workers. In protest 100 other employees staged an illegal strike. A week later the company fired an additional 72 employees from among the strikers. Also in August, following an intervention from the Ministry of Labor, the company reinstated the 72 strikers. In November the Labor Court ruled that the initial 20 layoffs were illegal and ordered the company to reinstate those employees. The company had not done so at year's end.

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 claims that the Government does not protect adequately em-

ployees 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.

The national labor laws apply in the free trade zones in Aqaba and Zarqa. Private sector employees in these zones belong to one national union that covers both zones and have the right to bargain collectively.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution forbids compulsory labor except in a state of emergency such as war or natural disaster, and it generally is not practiced; however, foreign domestic servants often are subject to coercion and abuse, and in some cases work under conditions that amount to forced labor (see Section 6.e.). The law does not prohibit specifically forced or compulsory labor by children, but such practices are 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 working full time except as apprentices. At age 13, children may begin part-time training for up to 6 hours a day, with night work prohibited. Ministry of Labor inspectors have the authority to enforce laws on child labor, but in practice, enforcement often does not extend to small family businesses that employ underage children. Education is compulsory to age 15. Families in remote areas frequently keep school-age children at home to work. Child vendors work on the streets of Amman (see Section 5). The law does not prohibit forced or compulsory labor by children specifically, but such practices are not known to occur (see Section 6.c.).

e. *Acceptable Conditions of Work.*—On October 2, the Government implemented a national minimum wage of $114 (80 dinars) per month for all workers except domestic servants and those in the agricultural sector. Workers earning the minimum wages find it difficult to provide a decent standard of living for their families. The Government estimates that the poverty level is 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 found that 18.7 percent of the population live at or below the poverty level; 1.5 percent live 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 45,000 indigent families.

The law prohibits most workers from working more than the customary 48 hours per week. Hotel, restaurant, and cinema employees may work up to 54 hours per week. Workers may not work more than 16 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to 1 day off per week.

Labor law does not apply to domestic servants, who 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 are foreign, is widespread. Imprisonment of maids and illegal confiscation of travel documents by employers is common. Complaints of beatings, insufficient food, and rape generally are not reported to officials by victims, who fear losing their work permits and being returned to their country. Domestic servants generally are not given days off and frequently are called upon to work at any hour of the day or night.

The law specifies a number of health and safety requirements for workers, including the presence of bathrooms, drinking water, and first aid equipment at work sites. The Ministry of Labor is authorized to enforce health and safety standards. 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.

f. *Trafficking in Persons.*—Although the law does not specifically prohibit trafficking in women, the practice is not known to occur. A 1926 law specifically prohibits trafficking in children. There were no reports that persons were trafficked in, to, or from the country.

KUWAIT

Amir, or princes, from the Al-Sabah family have ruled Kuwait in consultation with prominent community figures for over 200 years. The Constitution, adopted in 1962 shortly after independence, provides for an elected national assembly. It also permits the Amir to suspend its articles during periods of martial law. The Amir twice suspended constitutional provisions, from 1976–81 from 1986–92, and ruled extraconstitutionally during these periods. The National Assembly resumed func-

tioning after the 1992 elections. In May the Amir once again dissolved Parliament. However, in contrast to prior dissolutions, this act was followed by constitutionally mandated elections, which took place in July. The Constitution and law provide for a degree of judicial independence, but the Amir appoints all judges, and renewal of many judicial appointments is subject to government approval.

The Ministry of Interior supervises the security apparatus, including the Criminal Investigation Department (CID) and Kuwait State Security (KSS), two agencies that, in addition to the regular police, investigate internal security-related offenses. Members of the security forces committed a number of human rights abuses.

Richly endowed with oil, during the year the country's estimated per capita gross domestic product (GDP) was approximately $11,584. The decline in per capita GDP from previous years reflects a significant increase in resident foreign workers and lower oil revenues. The estimated 1998–99 budget deficit was $6.3 billion. Budget sources projected a $6.9 billion deficit for the current fiscal year prior to recent significant increases in world crude oil prices. Despite its stated emphasis on an open market, the Government continues to dominate the local economy through direct expenditures and government-owned companies and equities. The Government has initiated a program of disposing of its holdings of stock in private companies. According to government statistics, 92 percent of the indigenous work force is employed by the Government. Foreigners constitute 98 percent of the private sector work force.

There continued to be problems in the Government's human rights record; while there were some improvements in a few areas, the situation worsened in others. Citizens cannot change their head of state. Although under the Constitution the National Assembly must approve the Amir's choice of Crown Prince (that is, the future Amir), this authority is limited; if the National Assembly rejects the Amir's nominee, the Amir then submits three names from which the assembly must choose the new Crown Prince. The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. On November 23, the Parliament vetoed on constitutional grounds the Amir's May decree, which sought to give women the right to vote, to seek election to the National Assembly beginning with the parliamentary election scheduled for 2003, and to hold cabinet office. On November 30, identical legislation that was introduced by Members of Parliament was defeated by a two-vote margin. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. Some police and members of the security forces abuse detainees during interrogation. Prisons remain overcrowded; however, the Government began renovating existing facilities and building a new maximum security prison. The Amir commuted the sentences of 306 prisoners on February 25, Kuwait's national day, including those of the 8 remaining Jordanians, who were held as state security prisoners. The judiciary is subject to government influence, and foreign residents often claim that courts are biased in favor of citizens. The Government infringes on citizens' privacy rights in some areas. Security forces occasionally monitor the activities of individuals and their communications. Men must obtain government approval to marry foreign-born women. The Government uses informal censorship, and journalists practice self-censorship. The Government restricts freedom of assembly and association. The Government places some limits on freedom of religion and movement. The Government prevents the return of stateless persons who have strong ties to the country. Deportation orders may be issued by administrative order, and between 110 and 120 persons are estimated to be held in detention facilities, some for up to 3 to 6 months. In May the Government announced a crackdown on unlicensed branches of nongovernmental organizations (NGO's). violence and discrimination against women are problems. Discrimination against noncitizens persists. The Government restricts some worker rights. The Labor Law does not protect domestic servants regardless of citizenship. Unskilled foreign workers suffer from the lack of a minimum wage in the private sector, from failure to enforce the Labor Law, and at times physical abuse; some work under conditions that, in effect, constitute indentured servitude.

Although the Government has not found a solution to the human rights problems of the approximately 110,000 stateless persons residing in Kuwait known as the "bidoon," (the term means "without") in June it introduced a new program that would naturalize approximately 11,000 bidoon and give permanent residency to the remainder; the program is scheduled to be completed by June 2000. While this program is a positive step, it still leaves the remaining 100,000 bidoon in a legally precarious position.

Executive and legislative leaders continued to strengthen political institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the investigations into the extrajudicial killings that occurred during the chaotic period after Kuwait's liberation from Iraqi occupation in February 1991.

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

There have been no developments since 1994 in the cases of disappearance that occurred following the country's liberation in 1991. According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not yet accounted for 608 Kuwaitis and residents of Kuwait, including 8 women, who were taken prisoner during Iraq's occupation of Kuwait; 10 more missing prisoner of war cases were added by the ICRC during the year. The Government of Iraq has refused to comply with U.N. Security Council Resolution 687, which stipulates the release of the detainees. Iraq denies that it holds Kuwaiti detainees and in February ceased participating in ICRC-sponsored talks on their fate.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, there continue to be credible reports that some police and members of the security forces abuse detainees during interrogation. Reported abuses include blindfolding, verbal threats, stepping on toes, and slaps and blows. Police and security forces were more likely to inflict such abuse on noncitizens, particularly citizens of other non-Gulf Arab nations and Asians, than on citizens.

The Government states that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government does not make public either the findings of its investigations or what, if any, punishments are imposed. This omission creates a climate of impunity, which diminishes deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismiss abuse complaints because defendants are unable to substantiate their complaints with physical evidence. Members of the security forces routinely decline to reveal their identity during interrogation, a practice that further complicates confirmation of abuse.

An estimated 7,000 unskilled Egyptian workers rioted in Kuwait City on October 30–31. Riot police used tear gas to disperse the crowd and made numerous arrests. There were no serious injuries; however, there were reports of isolated instances of the use of excessive force by police (see Section 6.e.).

Prison conditions, including conditions for those held for security offenses, meet minimum international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Continuing problems include overcrowding and the lack of availability of specialized medical care. Approximately 1,300 persons are serving sentences or awaiting trial in the central prison. An estimated additional 250 prisoners are being held at the state security facility in Shuwaikh, which also operates as a deportation center.

Following charges of corruption at the central prison in 1998, prison officials were punished and the senior prison official lost his position.

The Ministry of Interior maintained oversight of central prison officials during the year, but there were no new charges of corruption.

The Government reopened Talha prison in 1998, and it is now being used as a prison for persons convicted of civil crimes and those awaiting trial, some of whom subsequently are processed for administrative deportations. Since its reopening, Talha has not been criticized by human rights groups for prisoner mistreatment. The Government also began construction of a new maximum-security facility.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the ICRC access to all detention facilities.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution provides for freedom from arbitrary arrest and detention; however, the Government occasionally arbitrarily arrests and detains persons. There also were incidents of prolonged detention.

Police officers must obtain an arrest warrant from state prosecutors before making an arrest, although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detain persons at checkpoints in Kuwait City (see Section 2.d.).

Under the Penal Code, a suspect may not be held for more than 4 days without charge. Security officers sometimes prevent families from visiting detainees during

this confinement. After 4 days, prosecutors must either release the suspect or file charges. 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.

Dr Ahmed Al-Baghdadi, a prominent professor and journalist, was detained in October for 2 weeks for an article that he published in 1996. On October 18, Salafi Islamist Ahmed Al-Ali was detained for 1 day for making inflammatory antiregime comments. In both cases, the charges were brought by private citizens and were handled in accordance with the law (see Section 2.a.).

During the election campaign, five parliamentary candidates were arrested and charged with unlawful slander against the Government. One of the candidates was sentenced to 6 months in prison (see Sections 2.a. and 3).

In October police arrested up to 2,500 persons in connection with riots by foreign workers (see Section 6.e.).

Of the estimated 2,100 persons serving sentences or pending trial at the security prison or the state security facility in Shuwaikh, approximately 170 are being held on security grounds.

The Government may expel noncitizens (including bidoon, that is, stateless residents of Kuwait, some of whom are native born or long-term residents), if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. Between 110 and 120 persons are estimated to be held in detention facilities, some of them pending deportation. Some of these detainees have been held for up to 3 to 6 months. Many deportation orders are issued administratively, without the benefit of a trial. However, the Government does not return deportees to their countries of origin forcibly, allowing those who object to remain in detention. This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. It also plays a role in the complex problem faced by bidoon deportees, who essentially remain in detention because their stateless condition makes the execution of the deportation order impossible.

The Talha deportation center, which had been criticized in previous years by human rights groups, reopened in 1998. However, there were no allegations of the prolonged detention of deportees in the facility during the year.

The law protects citizens from exile, and there were no reports of this practice.

e. *Denial of Fair Public Trial.*—The Constitution states that "judges shall not be subject to any authority;" however, the Amir appoints all judges, and renewal of many judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments, but the Government also employs many noncitizens as judges. These noncitizen judges work under 1- to 3-year renewable contracts, which undermines their independence. The Ministry of Justice may remove judges for cause, but it rarely does so. Foreign residents involved in legal disputes with citizens frequently complain that the courts show a pro-Kuwaiti bias.

The regular 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 denominations for family law cases; however, there is no Shi'a appellate court. Shi'a cases are referred to the Sunni court on appeal.

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.

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 the regular court system there are no groups, including women, who are barred from testifying or whose testimony is given lesser weight. However, the Islamic courts, which have jurisdiction over family law, apply Shari'a (Islamic law), which states that the testimony of two women equals that of one man.

There were no reports of political prisoners. The Government continues to incarcerate persons convicted of collaboration with Iraq during the occupation. By law such collaboration is 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. In February the Amir freed the remaining eight Jordanians convicted previously by the martial law and state security courts. At year's

end, 50 persons (29 Iraqis, 17 bidoon and 4 Palestinians) convicted by these now abolished courts remained in prison.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for individual privacy and sanctity of the home; however, the Government infringes on these rights in some areas. The police must obtain a warrant to search both public and private property unless they are in hot pursuit of a suspect fleeing the scene of a crime or if alcohol or illegal narcotics are suspected on the premises. The warrant may be obtained from the State Prosecutor or, in the case of private property, from a judge. In May an Amiri decree was issued that gives the police under warrant the right to conduct searches for illegal firearms by neighborhood. The National Assembly rejected the decree during its fall session; no similar legislation was introduced to take its place. The security forces occasionally monitor the activities of individuals and their communications.

By law men must obtain government approval to marry foreign-born women. Although the Government may advise against marriage to a foreign national, there are no known cases of the Government refusing permission to marry. The Government advises women against marrying foreign nationals, and it forbids marriage between Muslim women and non-Muslim men.

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 a few exceptions, citizens are free to criticize the Government at public meetings and in the media; however, journalists practice self-censorship. Several laws empower the Government to impose restrictions on freedom of speech and the press. During the year, several court cases effectively weakened these laws by striking down punitive sentences that accompanied earlier convictions; however, the application of these laws persisted throughout the year. The Government, through the Ministry of Information, practices informal censorship by placing pressure on individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing issues deemed offensive to Islam, tradition, or the interests of the State.

During the election campaign, five parliamentary candidates were arrested and charged with unlawful slander against the Government. One of the candidates was sentenced to 6 months in prison (see Section 3).

Newspapers are privately owned and free to publish on most social, economic, and political issues; they frequently criticize government policies and officials, including the Crown Prince. The only prohibited subjects are the Amir and attacks on Islam.

The Government ended prepublication censorship in 1992, but journalists still censor themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that serves to "attack religions" or "incite people to commit crimes, creates hatred, or spreads dissension among the populace."

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their licenses 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. The Government does not censor foreign journalists and permits them open access to the country.

In January the Court of Appeals reduced an unusually strong sentence against the daily newspaper Al-Qabas, which had been accused of publishing an item that was deemed blasphemous and insulting to Islam. The appeals court issued a nominal fine to the Al-Qabas editor in chief and dismissed the 6-month jail term, to which he had been sentenced by a lower court. In a related case, the Court of Appeals also imposed a nominal fine while dismissing the jail sentence on a second journalist who had been charged for having criticized the office of the public prosecutor by alleging irregularities in its handling of an embezzlement case. The Constitutional Court rejected the Al-Qabas countersuit that the Press Law was unconstitutional, and the Court of Appeals did not rule on the constitutionality of the Press Law, holding that it has no jurisdiction in such cases.

A journalist was held for several days for questioning by police in February following his return from Israel, where he had conducted interviews with several Israeli officials. Charges were not brought against the journalist and the case subsequently lapsed.

In July the Kuwait reporting office of the Qatar based Al-Jazeerah satellite television station was reopened after a month's closure. The office initially was closed

after a talk show broadcast that featured a telephone caller from another country who repeatedly made insulting comments about the Amir.

The Government closed the daily newspaper Al-Seyassah on October 18 for 5 days for publishing inflammatory comments made by Salafi Islamist Hamed Al-Ali. Al-Ali was detained for 1 day and then released on bail pending an investigation into his remarks (see Section 1.d.).

The Government owns and controls the radio and television companies. The Government does not inhibit the purchase of satellite dishes, which are widely available. Citizens with such devices are free to watch a variety of programs, including those that broadcast from Israel and Iraq. Kuwaitis freely watched Al-Jazeera during the closure period of its local office.

The Ministry of Information censors all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. In 1998 the Ministry announced plans to censor the Internet; however, it indicated that the methods of enforcement and technical issues must still be worked out. The Ministry has censored political topics as well and does not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controls the printing, publishing, and distribution of informational materials.

Dr. Ahred Al-Baghdadi, a prominent professor and journalist, was sentenced on October 4 to 4 weeks in prison for "defaming the established beliefs and rites of the Islamic faith." Al-Baghadi was convicted for stating that "the Prophet had failed in spreading the message of Islam in his early years in his home town of Makkad" in an article published in 1996. Al-Baghdadi was convicted under a law that prohibits insults to Islam after charges against him were brought by a private citizen, as provided by the law. The Amir pardoned Al-Baghdadi after he served 2 weeks of his 4-week sentence (see Section 1.d.).

On October 9, another professor and journalist, Dr. Shamlan Al-Issa was questioned by government authorities concerning an interview that he gave in September in which he refused to accept the implementation of Shari'a as the sole basis of law. Al-Issa also was charged by a private citizen with defaming Islam; however, the Government found no basis to the claim and the charges were dropped.

There is no government censorship of university teaching, research, or publication. However, academics are 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 affirms 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. Political activity is confined to informal, family-based, almost exclusively male social gatherings known as diwaniyas. Practically every male adult, including the Amir, hosts or attends diwaniyas, at which every possible topic is discussed. The diwaniya contributes to the development of political consensus and official decisionmaking.

The Constitution affirms the right of association; however, the Government restricts this right in practice. The Government bans political parties. Several informal blocs, acting much like parties, exist and were active during the July National Assembly elections. The Government has made no effort to constrain these groupings, which are organized on the basis of common ideological goals. Many may be categorized as "opposition" groups.

All nongovernmental organizations (NGO's) must obtain a license from the Ministry of Social Affairs and Labor. The Government uses its power to license as a means of political control. The Ministry has registered 52 NGO's, including professional groups, a bar association, and scientific bodies. These groups receive government subsidies for their operating expenses. Their members must obtain permission from the Ministry before attending international conferences. However, since 1985 the Ministry has issued only three licenses. The Ministry has disapproved other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitioners (see Section 4).

In May the Government announced a crackdown on unlicensed branches of NGO's, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September. The crackdown was taken in accordance with a 1993 decree that ordered unregistered NGO's to cease activities. Subsequently, the Council of Ministers announced that the Ministries of Social Affairs and Awqaf (religious affairs) would undertake a study to determine how best to organize existing NGO's and the fate of unlicensed NGO's; the 1993 decree has not been challenged legally.

c. *Freedom of Religion.*—Islam is the state religion; although the Constitution provides for freedom of religion, 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." The Constitution states that Shari'a (Islamic law) is "a main source of legislation."

The procedures for registration and licensing of religious groups are unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Nevertheless, in reality 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 Kuwaiti Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some sort 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 operate 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 Anglican Church; and the National Evangelical Church of Kuwait (Protestant). The other four churches reportedly are allowed to operate openly, hire employees, invite religious speakers, etc. without interference from the Government, but their compounds are, according to government records, registered only as private homes. The churches themselves appear uncertain about the guidelines or procedures for recognition. Some have argued that these procedures purposely are kept vague by the Government to maintain the status quo. All other churches and religions have no legal status but are allowed to operate in private homes.

The procedures for registration and licensing of religious groups also appear to be connected with government restrictions on NGO's, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities, but this order has never been enforced. However, since that time, all but three applications by NGO's have been frozen. 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 responded to their requests.

There are many other Christian denominations in the country, with tens of thousands of members, which, while not recognized legally, are allowed to operate in private homes or in the facilities of recognized churches. Members of these congregations have reported that they are able to worship without government interference, provided that they do not disturb their neighbors and do not violate laws regarding assembly and proselytizing.

Members of religions not sanctioned in the Koran, such as Hindus, Sikhs, Baha'is, and Buddhists, may not build places of worship but are allowed to worship privately in private homes without interference from the Government.

Shi'a are free to conduct their traditional forms of worship without government interference. However, members of the Shi'a community claim that the Government has not approved the construction of Shi'a mosques in recent years.

The Government prohibits missionaries from proselytizing among Muslims; however, they may serve non-Muslim congregations. The law prohibits organized religious education for religions other than Islam, although this law is not enforced rigidly. Informal religious instruction occurs inside private homes and on church compounds without government interference. However, there were reports that government "inspectors" periodically visit public and private schools outside of church compounds to ensure that no religious teaching other than Islam takes place.

The Government does not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches publish religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provide informal instruction to individuals interested in joining the clergy.

A private company, the Book House Co., Ltd., is permitted to import significant amounts of Bibles and other religious materials for use solely among the congregations of the country's recognized Christian churches. The Book House Co. has an import license to bring in such materials, which also must be approved by government censors. There have been 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), are allowed to transmit their citizenship to their children.

According to the law, a non-Muslim male must convert to Islam when he marries a Muslim woman if the wedding is to be legal in Kuwait. A non-Muslim female does not have to convert to Islam to marry a Muslim male, 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 any children.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government places some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their work place as desired. Unmarried women 21 years old and over are free to obtain a passport and travel abroad at any time. However, married women who apply for passports must obtain their husbands' signature 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 placing a 24-hour travel ban on her. He can do this by contacting the immigration authorities. 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 are free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints where they may detain individuals. The checkpoints are mainly for immigration purposes and are used to apprehend undocumented aliens.

The Government has the right to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The Government restricts the ability of members of NGO's to attend conferences abroad (see Section 2.b.).

A serious problem exists in the case of the bidoon, stateless persons of mainly Iraqi or Iranian descent, who resided in Kuwait prior to the Iraqi invasion. Some bidoon have had residency ties to Kuwait for generations. Others entered the country during the oil boom years. There are an estimated 110,000 bidoon, down from a prewar level of 220,000. The bidoon problem remains the subject of nearly continuous press commentary and political discussion. While many citizens count bidoon among their family members, a significant number believe that bidoon should not be eligible for citizenship and the benefits that it conveys. The Government maintains that many bidoon are concealing their true citizenship in order to remain in Kuwait, become citizens, and enjoy the generous benefits provided to citizens. The Government has made only limited progress towards solving the longstanding issue of the bidoon. In June the Government introduced a program to naturalize an estimated 11,000 bidoon. As part of this program, the remaining bidoon would be granted permanent residency status provided that they reveal their actual nationalities, although most claim to have no other nationality. The Government does not wish the return of the bidoon who departed the country during the 1990–91 Gulf War and frequently delays or denies issuing them entry visas. This policy imposes serious hardships, including family separations.

Despite the highly publicized reconciliation with Yemen, Sudan, and Jordan, which supported Iraq during the war, the Government generally maintained its postwar policy of limiting the presence of persons from countries that supported Iraq, and there was no significant increase in the number of these countries' nationals living in the country. The number of such residents is now only about 10 percent of its prewar total. The Government instituted a policy in 1996 to route the residence permit renewals of these nationals through the State Security Service. While the rate of renewal denials has declined over the last year for these nationals, many, such as Palestinians and Iraqis, have no country to which they may return, or have fears of persecution upon return (see Section 5).

While the Government permits the ICRC to verify if deportees object to returning to their countries of origin, it detains those with objections in the state security detention facility in Shuwaikh until they either change their mind or succeed in making alternative arrangements for travel to another country (see Section 1.d.).

There is 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 states that it does not deport anyone who claims a fear of persecution at home, but it often keeps such persons in detention rather than granting them permission to live and work in the country. The U.N. High Commission on Refugees (UNHCR) maintains an office in the country and has access to refugees in detention. 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 cannot change their head of state. Although under the Constitution the National Assembly must approve the Amir's choice of Crown Prince (that is, the future Amir), this authority is limited. If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. Women and citizens naturalized for less than 20 years may not vote

or seek election to the National Assembly. In November the Parliament vetoed the Amir's May decree on constitutional grounds. The decree had given women the right to vote, to seek election to the National Assembly beginning with the parliamentary election scheduled for 2003, and to hold cabinet office. Shortly thereafter, identical legislation was introduced by Members of Parliament. By a narrow two-vote margin, the bill was defeated. Members of parliament are prevented constitutionally from submitting similar legislation until the following session, which is scheduled to begin in October 2000. The Government may introduce similar or identical legislation at any point. Women's rights activists used the occasion of International Women's Day (March 8) to attempt to register as voters in two districts; they were unsuccessful. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister presides over a 16-member cabinet. 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 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. Members serve 4-year terms, and National Assembly elections have been held on schedule. The elections have been conducted freely and fairly among the minority of citizens who are permitted to vote. Since the Government prohibits political parties, Assembly candidates must nominate themselves. Nonetheless, informal political groupings are active in the Assembly. The Constitution empowers the National Assembly to overturn any Amiri decrees made during the dissolution, and the Assembly has done so in some cases.

In May the Amir dissolved the National Assembly in response to the political gridlock that emerged between Parliament and the Government. The Amir scheduled elections to take place 2 months later as specified in the Constitution; past dissolutions of the National Assembly (1976 and 1981) were followed by extended periods of extraconstitutional rule without the required elections.

Although the election campaign generally was free and fair, five parliamentary candidates were arrested and charged with unlawful slander against the Government. Four of those arrested received nominal fines, had their cases postponed, or were acquitted. While the candidates were not required to withdraw from the election, the fifth candidate withdrew, subsequently was convicted of the charges in July, and was sentenced to 6 months in prison (see Section 1.d.).

In 1998 the National Assembly passed legislation that bans primaries previously conducted by religious sects and tribes. The National Assembly's objective in passing this legislation was to eliminate the process by which candidates were withdrawn from elections and votes concentrated on the remaining candidates from these groups.

The Government attempted to enforce the ban on tribal primaries during the July elections. As a result, charges were filed against several hundred citizens. The Public Prosecutor also sought to lift the immunity of two newly elected Members of Parliament (M.P.'s) in order to charge them with violating the ban on tribal primaries. During its fall session, the National Assembly declined to lift the parliamentary immunity of the two charged M.P.'s.

Women are disenfranchised and have little opportunity to influence government.

Members of the Shi'a minority generally are underrepresented in high government positions. There is only one Shi'a member of the Cabinet, the Minister of Commerce. Six of 50 National Assembly members are Shi'a, as is 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 local human rights groups by not approving their requests for licenses (see Section 2.b.). It also continued to restrict the ability of NGO members to attend conferences abroad (see Sections 2.b. and 2.d.). In May the Government announced a crackdown on unlicensed branches of NGO's (see Section 2.b.).

Their members must obtain permission from the Ministry before attending international conferences. However, since 1985 the Ministry has issued only three licenses. The Ministry has disapproved other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitioners (see Section 4).

In May the Government announced a crackdown on unlicensed NGO's, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September.

The Government permits international human rights organizations to visit the country and to establish offices. Several organizations conduct fieldwork and report excellent communication with and reasonable cooperation from the Government.

The National Assembly has an active Human Rights Committee, which takes testimony from individuals about abuses, investigates prison conditions, and makes 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 egregious human rights problems.

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

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, laws and regulations discriminate in some cases against women and noncitizens, who face widespread social, economic, and legal discrimination.

Women.—Violence against women is a problem. According to some local experts, domestic abuse of women occurs in an estimated 15 percent of all marriages. Each of the country's 50 police stations receives approximately 1 to 2 complaints of spousal abuse each week, although this figure may be understated. Of the complaints received, approximately 60 percent involve spousal abuse of noncitizen women. The police and the courts generally seek to resolve family disputes informally and may ask the offending spouse to sign a statement affirming that he agrees to end the abuse. The police refer serious cases to the Psychiatric Department at the Ministry of Health. The courts have found husbands guilty of spousal abuse. There have been isolated instances of "honor" crimes; however, there is no provision in the Criminal Code that allows for leniency in such cases.

Some employers physically abuse foreign women working as domestic servants, and there are continuing reports of rape of these women by male employers. The local press gives the problem considerable attention, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. In August a Sri Lankan maid died after being beaten by her Kuwaiti employers. Police arrested her employers and after further investigation the case was sent to court for trial; action was still pending at year's end. In another case, a charge of murder was brought against a Kuwaiti woman who beat her Indian maid to death. The employer admitted to beating her maid in the past, but not to the point of injuring her. Foreign-born domestic employees have the right to sue their employers for abuse, but few do so due to both fear of deportation and fear that the judicial system is biased against them. The Government has designated a police station to investigate complaints and provide some shelter for runaway maids.

Runaway servants often seek shelter at their country's embassy for either repatriation or a change in employers. At times during the year, the Philippine and Sri Lankan embassies each sheltered as many as 150 women. Although most of these women sought shelter due to contractual or financial problems with their employers, many also alleged physical and sexual abuse. The Sri Lankan, Indian, and Philippine embassies all continue to report the steady occurrence of physical abuse and mistreatment involving domestic servants.

Women experience legal and social discrimination. Women are denied the right to vote (see Section 3). Their testimony is not given equal weight to that of males in the Islamic 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 Kuwaiti mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). Inheritance is governed by Islamic law, which differs between Sunni and Shi'a. 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.

Women traditionally are restrained from choosing certain roles in society, and the law restricts women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens work for the State in office jobs and women are allowed into most areas of the bureaucracy, including even oil well firefighting units. Educated women maintain that conservative religious trends limit career opportunities. Nonetheless, an estimated 33 percent of women of working age are employed. The law promises "remuneration equal to that of a man provided she does the same work." This promise is respected in practice. Women work as doctors, engineers, lawyers, bankers, and professors. A few have been appointed to senior posi-

tions in the Ministry of Education, the Ministry of Planning, the Foreign Ministry, and the state-owned Kuwaiti Petroleum Corporation. However, there are no female judges or prosecutors.

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 is given to the mother. The law discriminates 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 Kuwaiti men married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Polygyny is legal and is more common among tribal elements of the population. A husband is obliged to inform his first wife that he is taking a second wife. The husband is obligated to provide the first wife a separate household if that is her preference. It is the second wife's choice to get married. A first wife who objects to a second marriage can request a divorce, but the court's determination of divorce and child custody would be made on grounds other than the fact of the second marriage itself.

There are several women's organizations that follow women's issues, among the most active of which are the Women's Socio-Cultural Society and the Women's Affairs Committee.

Children.—The Government is committed to the welfare of children. Both boys and girls receive a free education to the university level. The Government provides free health care and a variety of other services to all children.

Marriage of girls under the age of 17 is uncommon among the urban population, but remains a practice of the Bedouins in outlying areas.

There is no societal pattern of abuse of children.

People with Disabilities.—There is no institutionalized discrimination against disabled persons in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandates accessibility for the disabled to all facilities frequented by the public, and provides an affirmative action employment program for the disabled. However, this law has not been implemented fully. The Government pays extensive benefits for disabled citizens, which cover transportation, housing, job training, and social welfare.

National/Racial/Ethnic Minorities.—The Government's failure to improve the plight of the 110,000 bidoon remains a significant problem. The bidoon have been the objects of hostile government policy since the mid-1980's. 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 bidoon. In 1993 the Government decreed that bidoon males no longer would be allowed to enlist in the military service. Those presently in the armed forces gradually are being replaced, although approximately 700 bidoon sons of citizen mothers were allowed to enlist during the year. The Government does not issue travel documents to bidoon routinely, and if bidoon travel abroad, they risk being barred from returning to the country unless they receive advance permission from the immigration authorities. Marriages pose special hardships because the offspring of male bidoon inherit the father's undetermined legal status.

The Government introduced in June a program to naturalize an estimated 11,000 bidoon. The remaining bidoon (approximately 100,000) would be granted permanent residency status. Naturalization and assignment of permanent residency began with the onset of the program and are scheduled to be completed in June 2000. This program would confer citizenship on those persons who were accounted for in the 1965 census but were over the age of 21 and whose parents naturalized, or who had a Kuwaiti mother and a non-Kuwaiti father who was absent. Those bidoon not accounted for by the 1965 census either personally or through a parent would be given civil identification cards and permanent residency that would grant them the right to work and to receive medical and educational benefits.

The Government claims that it issues a residency visa and legal status to any bidoon who presents a passport, regardless of the country of issuance. This has led some bidoon to acquire passports from countries with which they have no affiliation, but which have liberal "economic citizenship" programs, although this practice has declined sharply since 1997. There were no reports during the year that the Government denied residency visas to bidoon who obtained passports or that it unilaterally decided the nationality of any stateless residents without a hearing.

Since the end of the Gulf War, government policy has been targeted against workers from those nationalities whose leaders supported Iraq, especially Palestinians,

Jordanians, and Yemenis. The Government has argued that during the Iraqi occupation, many of these workers' governments sided with the Iraqi forces. The Government has delayed or denied the issuance of work and residency permits to persons in these groups, and in many cases has hindered those workers who are permitted to reside in the country from sponsoring their families to join them. Many of these nationals also have resorted to the purchase of third country passports in order to gain entry to, or legalize their status in, the country. A government policy to route the residency visas of these nationals through the State Security Service had led to a sharp increase in renewal denials in the period immediately after the war (see Section 2.d.). During the year, diplomatic relations were restored with Yemen, Sudan, and Jordan; however, the Government generally maintained its postwar policy of limiting the presence of nationals from countries that supported Iraq, and there was no significant increase in the number of those countries' nationals living in the country (see Section 2.d.).

Section 6. Worker Rights

a. *The Right of Association.*—Workers have the right, but are not required, to join unions. Nonetheless, the Government restricts the right of association by prohibiting all workers from freely establishing trade unions. The law stipulates that workers may establish only one union in any occupational trade, and that the unions may establish only one federation. The International Labor Organization (ILO) long has criticized such restrictions.

Approximately 50,000 persons (less than 5 percent) of a total work force estimated at 1,233,000 are organized in 14 unions, 12 of which are affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. A proposed new labor law, which did not pass in 1998 and was the source of a KTUF complaint to the ILO that year, still had not been enacted by year's end. The KTUF took no further action during the year on its complaint. The Bank Worker's Union and the Kuwait Airways Workers Union, which consist of approximately 4,500 workers, are independent of the KTUF. The Government has shown no sign that it would accept the establishment of more than one legal trade union federation. The law stipulates that any new union must include at least 100 workers, of whom at least 15 must be citizens. Both the ILO and the International Confederation of Free Trade Unions have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic sector.

The Government's pervasive oversight powers further erode union independence. The Government subsidizes as much as 90 percent of most union budgets, may inspect the financial records of any union, and prohibits any union from engaging in political or religious activities, which are defined vaguely. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals." 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.

Approximately 1,027,000 foreign workers are employed in the country. They constitute over 80 percent of the work force but only about 10 percent of the unionized work force. The Labor Law discriminates against foreign workers by permitting them to join unions only after 5 years of residence, although the KTUF states that this requirement is not enforced and that foreigners may join unions regardless of their length of stay. In addition the law stipulates that foreigners may participate only as nonvoting members. Unlike union members who are citizens, foreign workers do not have the right to elect their leadership. The law requires that union officials must be citizens. The ILO has criticized the 5-year residency requirement and the denial of voting rights for foreign workers.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management cannot reach a solution (see Section 6.b.). The law does not have any provision ensuring strikers freedom from any 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 face obvious wrongdoing by their employers.

In July 1998, 300 Chinese workers struck in protest over delinquent payment of their salaries. A subsequent investigation revealed that the Chinese company had not forwarded payment to its employees. In negotiations held during the year, the Chinese Embassy and the Ministry of Social Affairs arranged for the employer to pay the workers' delinquent wages.

Unions may affiliate with international bodies. The KTUF belongs 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 agreements are 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 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 resolve most issues at the working level and have regular access to other senior officials.

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.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration;" however, some foreign workers are treated as indentured servants (see Section 6.e.). The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

Foreign workers may not change their employment without permission from their original sponsors unless they have been in the country for over 2 years. Domestic servants particularly are vulnerable to abuses from this practice because they are not protected by the Labor Law. In many cases, employers exercise control over their servants by holding their passports, although the Government prohibits this practice and has acted to retrieve passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants. They frequently face poor working conditions and some physical abuse (see Section 6.e.).

Domestic servants who run away from their employers may be treated as criminals under the law. However, the authorities usually do not enforce this provision of the law. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to Kuwait. There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of $1,500 to $1,800. Middlemen, generally foreigners, use the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal Kuwaiti sponsor. Once in Kuwait, such workers are farmed out to the informal sector or find employment with parties that would otherwise be unable to sponsor them. However, foreign workers who are recruited with these traded visas not only face possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor) but also leave themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Government efforts to address such abuses have failed to achieve significant progress.

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. Education is compulsory for children between the ages of 6 and 15. The Government does not prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). Some small businessmen employ their children on a part-time basis, and there have been confirmed reports that some South Asian and Southeast Asian domestic servants are under age 18, but that they had falsified their ages in order to enter the country.

Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

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 ensures high wages for Kuwaiti employees, most of whom are in government white collar or business executive positions, while foreign workers, particularly unskilled laborers, receive substantially lower wages. There is no legal minimum wage in the private sector. In the public sector, the effective minimum wage is approximately $742 (226 dinars) a month for citizens and approximately $296 (90 dinars) a month for noncitizens. The public-sector minimum wage provides a decent standard of living for a worker and family. Wages of unskilled workers in the private sector do not always permit a decent standard of living for a worker and family. To be eligible to sponsor family members for residency, government workers must receive a minimum wage of $1,480 (450 dinars) a month, and private-sector workers must make at least $2,135 (650 dinars) a month.

The Labor Law establishes general conditions of work for both the public and the private sectors, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector. The Labor Law limits the standard workweek 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. Domestic servants, who are excluded specifically from the private sector Labor Law, frequently work long hours, greatly in excess of 48 hours.

The ILO has urged the Government to ensure 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 are not applied uniformly to foreign workers.

Employers often exploit workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants, are unaware of their legal rights, and generally lack the means to pursue a legal remedy. They frequently face contractual disputes, poor working conditions, and some physical abuse (see Sections 5 and 6.c.). Most are in debt to their employers before they arrive in the country and have little choice but to accept the employer's conditions, even if they contradict the contractual terms. It is not uncommon for wages to be withheld for a period of months. Many foreign workers are forced to live in "housing camps," which generally are overcrowded and lack adequate cooking and bathroom facilities. The workers only are allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment is limited, and, in some cases, employers' possession of foreign workers' passports allows them to exercise control over such employees (see Section 6.c.).

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services are not utilized widely. Any foreign worker may submit a grievance to the labor office regardless of union status.

In March approximately 300 Bangladeshi cleaners initiated a protest over unpaid wages and poor living conditions. The workers, who had not been paid for 8 months, filed a case against their employer with the Labor Court of the Ministry of Social Affairs. The case finally was resolved in August when the workers were repatriated to Bangladesh with 4 months worth of back wages. The repatriations were financed out of the forfeited employer's deposit with the Ministry of Social Affairs. An estimated 7,000 unskilled Egyptian workers rioted in the Kleitan neighborhood of Kuwait City on October 30–31. The riot reportedly was sparked when an initial altercation between an Egyptian and a Bangladeshi was broken up by the police and only the Egyptian was arrested. The initial rioting was suppressed by Ministry of Interior riot police who used tear gas to disperse the crowd. However, rioting broke out again the following day, and the riot police backed by special forces sealed off the neighborhood and restored calm. The police made up to 2,500 arrests. Most of those arrested were released the following day. An estimated 20 individuals were detained for a longer period and subsequently 4 were charged. There were no serious injuries; however, there were reports of isolated instances of the use of excessive force.

The Labor Law provides for employer-provided medical care and compensation to workers disabled by injury or disease due to job-related causes. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. The Government has issued occupational health and safety standards; however, compliance and enforcement appear poor, especially with respect to unskilled foreign laborers. To cut accident rates, the Government periodically inspects installations to raise awareness

among workers and employers, and to ensure that they abide by the safety rules, control the pollution resulting from certain dangerous industries, train workers who use new machines in specialized institutes, and report violations. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment, and legal protection exists for workers who file complaints about such conditions.

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

LEBANON

Lebanon is a parliamentary republic 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. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. President Emile Lahoud took office in November 1998 after an election heavily influenced by Syria. The judiciary is independent in principle but is subject to political pressure.

Non-Lebanese military forces control much of the country. These include about 25,000 Syrian troops, a contingent of approximately 2,000 Israeli Army regulars and 1,500 Israeli-supported militiamen in the south, and several armed Palestinian factions located in camps and subject to restrictions on their movements. All undermine the authority of the central Government and prevent the application of law in the patchwork of areas not under the Government's control. In 1991 the governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. However, an undetermined number of Syrian military intelligence personnel in Lebanon continue to conduct their activities independently of the agreement.

In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the civil war in Lebanon. According to the Taif Accord, Syrian troops were to be redeployed from their positions in Lebanon's coastal population areas to the Biqa' Valley, with full withdrawal contingent upon the fulfillment of other aspects of the Taif Accord and subsequent agreement by both the Lebanese and Syrian governments. Although the Syrian Government has refused to carry out this partial redeployment, strong Syrian influence over Lebanese politics and decisionmakers makes officials unwilling to press for a complete withdrawal, and no Lebanese government since the Taif Accord has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria does not reflect the will of most Lebanese citizens.

Israel exerts control in and near its self-proclaimed "security zone" in south Lebanon through direct military action and support for its surrogate, the South Lebanon Army (SLA). With the tacit support of the Government, the Iranian-backed Shi'a Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shi'a group Amal and some Palestinian guerrillas continue to be locked in a cycle of attack and counterattack with Israeli and SLA troops. Palestinian groups operate autonomously in refugee camps throughout the country. During the year, the Government continued to consolidate its authority in those parts of the country under its control and continued to take tentative steps to exert its authority in the Biqa' Valley and Beirut's southern suburbs. However, it did not attempt to reassert state control over the Palestinian camps or to disarm Hizballah and the SLA.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Surete Generale is 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 address national security issues and "morale." The security forces committed serious human rights abuses.

Before the 1975–90 hostilities, Lebanon was an important regional financial and commercial center. There is a market-based economy in which the majority of the private- sector work force is employed in the services sector, such as banking and commerce. There is a small industrial sector, based largely on clothing manufacture and food processing. The annual gross national product is estimated to be approximately $5,000 per capita. A reconstruction effort, begun in 1992, is moving forward.

Substantial remittances from abroad offset the trade deficit and resulted in a balance of payment surplus.

The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their Government remains restricted by the lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. Although the 1996 parliamentary elections represented a step forward, the electoral process was flawed, as the elections were not prepared or carried out impartially. 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 opposed government policies. Lengthy pretrial detention and long delays in trials are problems, and the courts are subject to political pressure. The Government infringed on citizens' privacy rights, and continued surveillance of political activities during the year. The Government partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly, and imposes some limits on freedom of association. The Government imposes 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 servants are problems.

Artillery and aerial attacks by the various contending forces in parts of south Lebanon threaten life and property. These forces continue to commit abuses, including killings, bombings, and abductions. The SLA maintains a separate and arbitrary system of justice in the Israeli-controlled zone, which is independent of Lebanese central authority. During the year, SLA officials arbitrarily arrested, mistreated, and detained persons, and regularly expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal for legal recourse to Lebanese authorities, often through their agents in the camps. There were reports that members of the various groups that control the camps detained their Palestinian rivals and, in some instances, killed them.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political or extrajudicial killings by government authorities during the year.

The judicial system continues to suffer from a backlog of hearings into cases of death in custody, some as old as 5 years. These cases involve some individuals connected to political groups and some accused of criminal activity. There were no developments in the 1994 death of Tareq Hassaniyeh, who allegedly was beaten to death by authorities in the Bayt Al-Din prison, nor in the 1994 death of Fawzi Al-Racy, who died while in the custody of the Ministry of Defense. The Government no longer is pursuing the cases.

On June 8, unidentified gunmen shot and killed four judges at the Justice Palace in Sidon. The Government did not apprehend the perpetrators but believes that they belong to the outlawed Palestinian radical Islamic group "Esbat Al-Ansar," which is led by fugitive Ahmad Abed Al-Karim Al-Sa'di (also known as Abu Mahjin). The gunmen were believed to be hiding in the Palestinian refugee camp of Ein Al-Hilweh at year's end.

In May an official of the Fatah faction of the Palestinian Liberation Organization (PLO), Amin Kayed, and his wife were killed in a drive-by shooting near Ein Al-Hilweh.

In August the coordinator of the Islamic Militia Operation in south Lebanon, Ali Deeb, was killed in Sidon, in a roadside bomb explosion.

A military tribunal sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons, as well as other bombings. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. A court hearing in the appeal made by the accused is scheduled for February 20, 2000. In June a court sentenced former Lebanese Forces leader Samir Ja'Ja' to life in prison, and three Lebanese Forces militiamen to death in absentia, for killing former Prime Minister Rashid Karami in 1987 (see Section 1.e.).

A court hearing in the appeal made by the prosecutor's office regarding the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi has not been scheduled following a court verdict declaring

the suspect, Tawfiq Mohammad Farroukh, not guilty of murder for his role in the killings.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case still is pending.

An estimated 50 Islamic resistance guerrillas, 13 Israeli soldiers, 27 Lebanese civilians, and 2 Israeli civilians were killed in south Lebanon during the year, as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. For example, on June 22, Hizballah launched rocket attacks against northern Israel, which killed two Israeli civilians, in retaliation for Israeli Defense Forces (IDF) shelling of a Lebanese village. Israeli forces conducted repeated air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. For example, on June 24, 9 Lebanese were killed and 50 to 80 wounded in Israeli air raids, which also targeted civilian infrastructure, including electric power transformer stations and power lines in the Beirut area, Baalbek, and Bint Jubayl, and bridges along the main coastal highway at Damour, Sidon, and Tyre.

There were over 200 civilian injuries during the year, with most of the injuries involving minor wounds from shrapnel and broken glass. Citizens accounted for over 90 percent of the injured and Lebanese armed groups were responsible for some 23 percent of all injured civilians.

In south Lebanon, there is an average of two or three attacks daily against IDF and SLA military positions with a similar number of IDF and SLA counterattacks.

The Israel-Lebanon Monitoring Group continued to deal with alleged violations of the 1996 understanding between Israel and Hizballah not to target civilians or to launch attacks from civilian-populated areas.

On October 3, one person was killed when a bomb exploded in a Maronite church in an eastern Beirut suburb. There were no arrests made in connection with the case by year's end.

b. *Disappearance.*—There were no reports of politically motivated disappearances. The Government has taken no judicial action against groups known to be responsible for the kidnapings of thousands of persons during the war between 1975 and 1990. In August Prime Minister Hoss established a military commission to investigate the fate of all those who disappeared during the war.

The whereabouts of Boutros Khawand, who allegedly was abducted by Syrian forces in 1992, remain unknown; he is presumed to be held in Syria (see Section 1.d.).

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 report that torture is a common practice. There also were credible reports that military intelligence officials used harsh interrogation procedures, including torture, on former members of the Lebanese Forces. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, where suspects are interrogated in the absence of an attorney.

In early October at a Greenpeace demonstration in the town of Selaata, LAF soldiers fired shots over the heads of protesters and beat them with their rifle butts. President Lahoud criticized the soldiers' behavior and called for an investigation. The soldiers were reprimanded officially (see Sections 2.a. and 2.b.).

In June violent clashes broke out between the ISF and angry residents of Jnah (in the southern Beirut suburbs) after officials from the Ministry of Displaced Affairs attempted to enter the area to measure houses and buildings prior to their demolition. Twenty-four persons, including 4 ISF personnel, reportedly were injured.

Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

In May Fatah official Jamal Dayekh lost both his legs in a booby-trapped car explosion in Sidon.

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 2,000 inmates. However, prisons are overcrowded, with a total population of nearly 5,000. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not budgeted funds to overhaul the prison system. However, some efforts were made by other groups to improve conditions in Roumieh prison. For example, the Bar Association financed the renovation of two prison meeting rooms to allow lawyers to meet their clients in decent conditions and without having to obtain prior authorization. Inmates at Roumieh prison participated in vocational activities such as

English-language courses and embroidery courses in order to provide them with skills upon release.

The Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells.

Former Lebanese forces leader Samir Ja'Ja', who is serving four life sentences for the murders of various political figures during and after the civil war, is kept in solitary confinement in a basement prison. He is permitted to exercise and receive occasional visits from his family and his lawyers. Government officials stated that his solitary confinement is necessary for his own protection.

Local journalists and human rights organizations had access to certain prisons during the year. Access to those prisons controlled by the Ministry of Defense was not given.

Hizballah detains and reportedly mistreats SLA members and suspected agents at unknown locations. The SLA operates its own detention facility, Al-Khiam prison, and there are frequent allegations of torture and mistreatment of detainees. Hizballah and the SLA occasionally release and exchange prisoners.

Hizballah does not permit prison visits by human rights monitors. The SLA continued to allow representatives of the International Committee of the Red Cross (ICRC) and family members of inmates to visit detainees at Al-Khiam prison.

d. *Arbitrary Arrest, Detention, or Exile.*—The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants before making arrests; however, military prosecutors, who are responsible for cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a subject to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is available only to those accused of petty crimes, not to those accused of felonies. Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel has on many occasions asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest. Security forces detained and interrogated scores of citizens, predominately Christian supporters of ousted General Michel 'Awn, and of the jailed commander of the Lebanese Forces, Samir Ja'Ja'. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating they would abstain from politics.

During the year, the Government launched an anticorruption drive. Several former senior government officials were arrested on charges of embezzlement, misuse of power, and bribery. They all were detained for prolonged periods of time, in violation of the law. Most of those arrested were released on bail or the charges were dropped. However, the Minister of Petroleum, who was arrested in March on charges of embezzlement, remains in detention and has yet to be indicted.

On March 14, authorities detained students from the "National Free Current," a group that supports 'Awn, for distributing antigovernment and anti-Syria leaflets (see Section 2.b.).

There were no allegations during the year of the transfer of Lebanese citizens by Lebanese authorities to Syria. The number of Lebanese detainees remaining in Syria is uncertain; however, former President Elias Hrawi estimated that some 210 persons were in Syrian custody in 1996. Some 90 prisoners reportedly are still in Syrian jails. In 1997 Syria transferred 121 prisoners, most of whom had been held in Syrian jails since the outbreak of the Lebanese civil war in 1975, to the Lebanese authorities. Amnesty International (AI) reported that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside of any legal framework.

The authorities often detain without charge for short periods of time political opponents of the Syrian and Lebanese governments. Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports

during the year that members of the various groups that control the camps detained their Palestinian rivals.

Local militias and non-Lebanese forces continued to conduct arbitrary arrests in areas outside central government control. The SLA detains an estimated 140 citizens and an undetermined number of Palestinians at Al-Khiam prison in the south, although the number changes daily as persons are detained and others are released. Sheikh Abbas Mohsen, who was abducted from his home in Kafr Kila in November 1998, remains in detention in Al-Khiam prison.

During the year, 95 prisoners were released from Al-Khiam prison. The remains of 16 prisoners also were released.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, various militias, and rival Palestinians.

Israel holds 41 Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani, figures associated with Hizballah.

Exile as a form of punishment is not practiced regularly, although in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart country and remain in exile for 5 years. 'Awn was accused of usurping power. He remains in France.

Former President Amine Gemayel, who has lived in France for the past 10 years, has not been able to return to Lebanon and still resides in Paris. Gemayel planned to return to the country but was warned by the Government through unofficial channels not to return.

e. *Denial of Fair Public Trial.*—The judiciary is independent in principle, but is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians and Syrian intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security offenses, and the tribunals of the various religious affiliations, which adjudicate family disputes, including marriage, inheritance, and personal status.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On 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 appoints judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during the years of internal conflicts. Trial delays also are caused by the Government's inability to conduct investigations in areas outside its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

The trial of former Lebanese Forces leader Samir Ja'Ja' was considered by the media and human rights groups to be fair. The Judicial Council sentenced Ja'Ja' to life in prison and three Lebanese Forces militiamen to death in absentia for assassinating former Prime Minister Rashid Karami in 1987. The court also sentenced LAF Brigadier General Khalil Matar to 10 years in prison for his involvement in the assassination. The trial was public and the defense had access to all files and documents. However, following the trial, the military prosecutor asked the Bar Association to lift the immunity of defense lawyer Karim Pakradouni. The Government accused Pakradouni of having contacts with Israel during the civil war. The Association refused the request, which it considered to be intimidation of Pakradoudni because of his role as defense counsel in the trial.

On June 8, unidentified gunmen shot and killed four judges at the Justice Palace in Sidon (see Section 1.a.).

In July the Government began trying some 220 SLA militiamen from the town of Jezzine who turned themselves over to the Government following the June SLA withdrawal from Jezzine. The militiamen have been tried on less serious charges than "collaboration with the enemy," which carries the death penalty. The average sentence passed down by the military tribunal was 1 year. Human rights groups and international nongovernmental organizations (NGO's) believe that the trials have been fair, procedurally correct, and open.

Hizballah applies Islamic law in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA maintains a separate and arbitrary system of justice.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—While the authorities generally show little interest in controlling the personal lives of citizens, they readily interfere with the privacy of persons regarded as foes of the Government. Laws require that prosecutors obtain warrants before entering houses except when the army is in hot pursuit of an armed attacker; however, in practice the law is not respected.

The Government and Syrian intelligence services use informer networks and monitor telephones to gather information on their adversaries. The Army Intelligence service monitors the movements and activities of members of opposition groups (see Section 2.b). The Government concedes that telephone calls are monitored by security services, but claims that monitoring occurs only with the prior authorization of the competent judicial authorities. The joint parliamentary commission that was formed by the speaker in 1997 to investigate telephone wiretapping concluded its investigation in 1998, and its findings were made public in September. The report stated that the monitoring of cellular phone conversations most likely occurs, but did not confirm the practice.

In September parliamentary hearings were held amid widespread public debate on the Government's use of electronic surveillance of the telephone lines of politicians and private citizens. The Speaker of Parliament, the Minister of Interior, and the Surete Generale Director General publicly acknowledged that government eavesdropping exists. 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 October the Parliament passed a law that authorized surveillance in national security and law enforcement cases, but banned its use against ministers and parliamentary deputies.

Militias and non-Lebanese forces operating outside the area of central government authority frequently have violated citizens' privacy rights. Various factions also use informer networks and monitor telephones to obtain information on their adversaries.

On January 8, SLA forces reportedly expelled 25 members of the Nab'a family, including 16 children, from their home village of Shab'a, located in Israel's self-declared security zone. On May 4, SLA forces reportedly expelled three Lebanese citizens from the village of Bint Jubayl. The SLA also expelled two Lebanese women and four children from the Shab'a village on July 16.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of the press, but the Government partially limits this right in practice, particularly by intimidating journalists and broadcasters into practicing self-censorship. In 1998 the Government rescinded a total ban on satellite news but continued to ban live satellite broadcasts of political talk shows and to censor television broadcasts on a case-by-case basis.

Lebanon has a long history of freedom of opinion, speech, and the press. Although there were repeated attempts to restrict these freedoms during the year, daily criticism of government policies and leaders continued. Dozens of newspapers and hundreds of periodicals are published throughout the country, financed by various local and foreign groups. While the press is normally independent, press content often reflects the opinions of these financial backers.

The Government has several tools at its disposal to control freedom of expression. The Surete Generale is authorized to approve all foreign magazines and nonperiodical works including plays, books, and films before they are 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 court empowered to try such matters.

Moreover, the 1991 security agreement between Lebanon and Syria contains 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, Lebanese journalists censor themselves on matters related to Syria.

During the year, the Government did not bring charges against any newspaper. President Lahoud publicly announced that under his tenure no charges would be brought against any journalist because of his writings or opinions. However, the Minister of Information banned a book entitled "From Israel to Damascus," authored by Robert Hatem, who made detailed allegations about a former minister and ex-militia figure's activities during and after the civil war years.

In early October at a Greenpeace demonstration in the town of Selaata, LAF soldiers fired shots over the heads of the protesters and beat them with their rifle butts. Journalists' cameras and film were confiscated. President Lahoud criticized

the soldiers' behavior and called for an investigation. Those soldiers responsible for the abuse were reprimanded officially by their superiors (see Sections 1.d. and 2.b.).

A court hearing still is pending in the case of An-Nahar journalist Pierre Attallah, who was charged in absentia in June 1998 for defaming the judiciary and entering Israel.

In September Marcel Khalife, a leading singer and songwriter, was accused with insulting Islam for incorporating lines from a poem based on verses from the Koran into a song he recorded in 1995. An indictment was issued charging the singer with blasphemy. Most political and religious leaders, with the exception of the Sunni Mufti, criticized this action. Khalife was acquitted of the charges on December 15.

In October the Surete Generale informed Lebanese filmmaker Ronda Shahal Sabbag that 47 minutes would have to be cut from her 90-minute film, "Civilisees," in order to gain government approval for screening to general audiences. The Government claimed that the offending passages contained inappropriate language and scenes that the censors deemed "inflammatory" against Jesus, the Virgin Mary, and Islam.

The country has a strong tradition of academic freedom and a flourishing private educational system (a result of inadequate public schools and a preference for religious community affiliation). Students exercise the right to form campus associations, and the Government usually does not interfere with student groups.

b. *Freedom of Peaceful Assembly and Association.*—Although the Constitution provides for freedom of assembly, the Government restricts this right. Any group that wishes to organize a rally must obtain the prior approval of the Interior Ministry, which does not render decisions consistently. In December 1998, the Government lifted its long-standing decree banning all demonstrations. Various political factions such as Amal, Hizballah, 'Awnists, and supporters of former Prime Minister Hariri held several rallies.

On March 14, students from the "National Free Current," a group that supports exiled General Michel 'Awn, distributed antigovernment and anti-Syria leaflets. The authorities arrested 21 students and transported them to LAF interrogation centers. The 21 were released shortly thereafter, but two were referred to the military tribunal and charged with resisting the security forces. The military later considered the charge a civil offense and dropped the charges.

In early October, at a Greenpeace demonstration in the town of Selaata, LAF soldiers fired shots over the heads of soldiers and beat them with rifle butts. President Lahoud criticized the soldiers' behavior and called for an investigation (see Sections 1.d. and 2.a.).

The Constitution provides for freedom of association, and the Government generally respects this right and does not interfere with the establishment of private organizations; however, the law requires organizations to obtain from the Ministry of Interior a receipt, which is essentially a permit, and may be withheld by the Ministry.

The Ministry of Interior scrutinizes requests to establish political movements or parties and to some extent monitors their activities. The army Intelligence Service monitors the movements and activities of members of opposition groups (see Section 1.f.).

Neither Israel nor Syria allows groups considered openly hostile to operate in areas under their control.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The State is required to ensure the free exercise of all religious rites with the caveat that public order not be disturbed. The Constitution also provides that the personal status and religious interests of the population be respected. The Government permits 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 has been applied to every conceivable aspect of public life.

A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that they do not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to secure 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 religion's codes to personal status matters. The Government requires religious affiliation to be encoded on national identity cards.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice; however, there are some limitations. Travel to

Israel is prohibited by law but commonly occurs via Israeli-occupied territory in southern Lebanon. All males between 18 and 21 years of age are subject to compulsory military service and are required to register at a recruitment office and obtain a travel authorization document before leaving the country. Husbands can block travel by their wives and minor children (see Section 5).

The LAF and Syrian troops maintain checkpoints in areas under their control. In south Lebanon, the Lebanese Army, the Israeli Army, and the SLA maintain tight restrictions on the movement of people and goods in and out of Israel's self-declared security zone. In June the SLA conducted a redeployment and withdrew from some villages in the district of Jezzine. The Internal Security Forces deployed to the region and assumed responsibility for maintaining law and order in Jezzine. Citizens who wish to visit Jezzine are required to obtain a permit from army intelligence.

There are no legal restrictions on the right of all citizens to return. However, many emigres are reluctant to return for a variety of political, economic, and social reasons. The Government has encouraged the return to their homes of over 600,000 persons displaced 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 rehabilitate their property. The resettlement process is slowed by tight budgetary constraints, shattered infrastructure, political feuds, the lack of schools and economic opportunities, and the fear that physical security is still incomplete in some parts of the country.

Most non-Lebanese refugees are Palestinians. The U.N. Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in Lebanon registered with the UNRWA as of June was 370,144. This figure, which includes only the families of refugees who arrived in 1948, is presumed to include many thousands who reside outside the country. Most experts estimate the actual number now in Lebanon to be fewer than 300,000.

The Government issues laissez-passers (travel documents) to Palestinian refugees to enable them to travel and work abroad. In January the Government eased the tight travel restrictions that it previously had imposed on Palestinians resident in Lebanon and those entering from other countries by revoking a decision that had required all Palestinian refugees who hold Lebanese travel documents to obtain entry and exit visas when entering or leaving the country. However, in March the Government decided to stop issuing visitors' visas to Jordanian nationals who were born in Lebanon and are of Palestinian origin.

There are 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 does not grant first asylum; however, the Government grants admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. There are nearly 3,600 non-Palestinian refugees (mostly Iraqi Shi'a and Kurds) residing in Lebanon according to the U.N. High Commission for Refugees (UNHCR). There have been no known requests for asylum since 1975. The government cooperates with the offices of the UNHCR and the UNRWA. There were credible reports of the forced deportation of Iraqi refugees. The Surete Generale turned over the refugees to the Syrian authorities, who returned them to northern Iraq.

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 government control over parts of the country, defects in the electoral process, and strong Syrian influence over Lebanese politics and decisionmakers significantly restrict this right. The 1996 parliamentary elections represented a step forward, but the electoral process was flawed by serious shortcomings, because the elections were not prepared or carried out impartially. Government officials acknowledged some of the electoral shortcomings and pledged to correct them in future elections.

According to the Constitution, elections for the Parliament must be held every 4 years. The Parliament, in turn, 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 is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker a Shi'a Muslim. 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.

In May and June 1998, the Government held the first elections at the local level since 1963. The elections were reasonably free and fair, and citizens were able to choose their own representatives at the local level. By-elections were held in May for those localities in which elections were not conducted in 1998.

In October 1998, the Parliament elected a new President after amending the Constitution on a one-time basis to permit senior government officials, including the (then) commander of the army, to run for office. (The Constitution prohibits senior government officials from running for president unless they resign at least 2 years before the election. The amendment provided for a one-time exception to this provision.) There was substantial criticism of the Syrian role in influencing Lebanese political leaders in the selection of the presidential candidate; however, there was broad popular support for the new President, Emile Lahoud, who took office in November 1998.

Women have the right to vote and there are no legal barriers to their participation in politics, although there are significant cultural barriers. Women are underrepresented in government and politics. No woman has ever held a cabinet position. Three women were elected to the 128-seat Parliament in 1996.

Palestinian refugees have no political rights. An estimated 17 Palestinian factions operate in Lebanon, generally organized around prominent individuals. Most Palestinians live in refugee camps controlled by one or more factions. The leaders of the refugees are not elected, but there are "popular committees" that meet regularly with the UNRWA and other visitors.

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

Several local human rights groups operate 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 1998 (see Section 1.d). The Bar Association and other private organizations regularly hold public events that include discussion of human rights issues. Some human rights groups have reported harassment and intimidation by government, Syrian, and militia forces.

During the year, the Government was more willing than in the past to discuss human rights problems with foreign governments and NGO's. The Government has facilitated visits to the country by Amnesty International representatives to report on Israeli activities in south Lebanon. The Government permitted a Canadian NGO to provide books and other related materials to prisoners at the Roumieh detention facility (see Section 1.c).

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

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism." In practice aspects of the law and traditional mores discriminate against women. Religious discrimination is built into the political system. During 1997 the Parliament approved a law giving preferences to the disabled for employment in government positions. Discrimination based on race, language, or social status is illegal and is not widespread among citizens; however, foreign domestic servants often are mistreated.

Women.—Violence against women is a problem. The press reports cases of rape with increasing frequency, and cases reported are thought to be only a fraction of the actual number. There are no authoritative statistics on the extent of spousal abuse. Most experts agree that the problem affects a significant portion of the female population. In general battered or abused women do not talk about their suffering for fear of bringing shame upon their own families or accusations of misbehavior upon themselves. Doctors and social workers believe that most abused women do not seek medical help. The Government has no separate program to provide medical assistance to battered women. It provides legal assistance to victims of crimes who cannot afford it regardless of the gender of the victim. The Lebanese Association for Combating Violence Against Women, founded in 1994, has been active in lobbying to improve the socioeconomic condition of women and to reduce violence against women.

Foreign domestic servants often are mistreated, abused, and even raped. Asian and African female workers have no legal recourse available to them because of their low status and isolation from society (see Section 6.e.).

The legal system is discriminatory in its handling of "crimes of honor." 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, beginning in 1991, the Government began to increase sentences on violent crimes in general and to seek punishment for men who commit crimes of honor. Instances of honor crimes are reported in the media.

Women have employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers is strong in some parts of society. Men sometimes exercise considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives. Women may own property but often cede control of it to male relatives for cultural reasons. In 1994 the Parliament removed a legal stipulation that a woman must obtain her husband's approval to open a business or engage in a trade. Husbands may block foreign travel by their wives (see Section 2.d.). The testimony of a woman is equal to that of a man (see Section 1.e.).

Only men may confer citizenship on their spouses and children. Accordingly, children born to Lebanese mothers and foreign fathers are not eligible for Lebanese citizenship. Lebanese widows may confer citizenship on their minor children.

Religious groups administer their own family and personal status laws. There are 18 recognized religious groups, each of which differs in its treatment of marriage, family property rights, and inheritance. Many of these laws discriminate against women. For example, Sunni inheritance law gives a son twice the share 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 of Lebanon are recognized by the State. Marriages may be performed only by religious authorities.

Children.—The plight of children remains a serious concern; however, the Government has not allocated funds to protect them. Education is not compulsory and illiteracy rates have reached 37.5 percent. Many children, particularly in rural areas, take jobs at a young age to help support their families. In lower income families, boys generally receive more education, while girls usually remain at home to perform housework.

An undetermined number of children are neglected, abused, exploited, and even sold to adoption agents. Poor children often are compelled by their parents to seek employment, and often take jobs that put their safety at risk, including in industry, car mechanic shops, and carpentry. Because of their age, wages earned by these children are not in conformity with labor regulations. There are hundreds of abandoned children in the streets nationwide, some of whom survive by begging, others by working at low wages. The Government does not have a child protection law to remove children from abusive situations, nor do the NGO's have adequate legislative authority to litigate on behalf of minor children who are victims of abuse.

Juvenile delinquency is on the rise; many delinquents wait in ordinary prisons for trial and remain there after sentencing. Although their number is very small, there is no adequate place to hold delinquent girls; therefore, they are held in the women's prison in Ba'abda. Limited financial resources have hindered efforts to build adequate facilities to rehabilitate delinquents. A prominent private citizen has agreed to provide land in Junieh to build a juvenile center for girls, and work is under way. There is also a project to build a modern juvenile detention facility in Ba'asir. The Government provided a 161,000 square foot plot and is working with U.N. agencies to arrange for financial assistance and expertise to construct the facility.

There are neither child welfare programs nor government institutions to oversee the implementation of children's programs. The Committee for Children's Rights, formed in 1993 by prominent politicians and private citizens, has been lobbying for legislation to improve the condition of children. The Ministry of Health requires the establishment of health records for every child up to 18 years of age.

People with Disabilities.—Over 100,000 persons sustained disabilities during the civil war. Care of the disabled generally is performed by families. Most efforts to secure education, independence, health, and shelter for the disabled are made by some 100 private organizations for the disabled. These organizations are relatively active, although poorly funded.

The heavily damaged cities make few accommodations for the disabled. Building codes have no requirements for ease of access, although the Government in its rebuilding projects has constructed sidewalks in some parts of Beirut allowing access for the disabled. The private "Solidere" project for the reconstruction of downtown Beirut has self-imposed requirements for disabled access. This project is widely considered a model for future construction efforts around the country.

Religious Minorities.—Discrimination based on religion is built into the system of government (see Section 3). The amended Constitution of 1990 embraces the prin-

ciple of abolishing religious affiliation as a criterion for filling government positions, but few practical steps have been taken to accomplish this aim. One notable exception is the Lebanese Armed Forces, which, through universal conscription and an emphasis on professionalism, has reduced significantly the role of religious sectarianism in that organization. Each religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance.

On October 3, one person was killed when a bomb exploded in a Maronite church in an eastern Beirut suburb (see Section 1.a.).

National/Racial/Ethnic Minorities.—According to the United Nations, an estimated 370,000 Palestinian refugees are registered in Lebanon (see Section 2.d.). Most Palestinian refugees live in overpopulated camps that have suffered repeated heavy damage as a result of fighting. The Government generally has prohibited the construction of permanent structures in the camps on the grounds that such construction encourages the notion of permanent refugee settlement in Lebanon. Refugees fear that in the future the Government may reduce the size of the camps or eliminate them completely.

The Government officially ended its practice of denying work permits to Palestinians in 1991. However, in practice very few Palestinians receive work permits, and those who find work usually are directed into unskilled occupations. They and 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 for political, cultural, and economic reasons it is applied in a manner disadvantageous to Palestinians and, to a lesser extent, Kurds. The Government does not provide health services to Palestinian refugees, who rely on the UNRWA and UNRWA-contracted hospitals.

In recent years, Palestinian incomes have declined as the PLO closed many of its offices in Lebanon, which formerly employed as much as 50 percent of the Palestinian work force. 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 are Palestinian. Drug addiction and crime reportedly are increasing in the camps, as is prostitution, although reliable statistics are not available. In August the Fatah faction of the PLO expanded its operations in the Ein Al-Hilweh refugee camp by opening security offices and hiring personnel to maintain order in the camps.

Section 6. Worker Rights

a. *The Right of Association.*—All workers, except government employees, may establish and join unions and have a legal right to strike. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons form the active labor force, 42 percent of whom are members of 160 labor unions and associations. Twenty-two of the unions, with about 200,000 workers, are represented in the General Confederation of Labor (GLC).

In general the Government does not control or restrict unions, although union leaders allege credibly that the Government has tried, in the past, to interfere in elections for union officials.

Palestinian refugees may organize their own unions, but, because of restrictions on their right to work, few Palestinians participate actively in trade unions.

Unions are free to affiliate with international federations and confederations, and they maintain 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 engage in some form of collective bargaining with their employers. Stronger federations obtain significant gains for their members and on occasion have assisted nonunionized workers. There is no government mechanism to promote voluntary labor-management negotiations, and workers have no protection against antiunion discrimination. The Government's ban on demonstrations (see Section 2.b.) arguable diminishes unions' bargaining power.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor is not prohibited by law. In the absence of a prohibition against it, children (see Section 5), foreign domestic servants, and other foreign workers (see Section 6.e) sometimes are forced to remain in situations amounting to coerced or bonded labor.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The 1946 Labor Code stipulates that workers between the ages of 8 and 16 may not work more than 7 hours a day, with 1 hour for rest provided after 4 hours. In 1996 the Ministry of Labor amended this law to define workers under the age of 13 as child labor, in accordance with international obligations. Children also are prohibited from working between the hours of 7 p.m. and 6 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 Labor Ministry is responsible for enforcing these requirements, but the Ministry does not rigorously apply the law. Forced and bonded child labor is not prohibited and sometimes occurs (see Section 6.c.).

Children between the ages of 10 and 14 constitute 0.6 percent of the labor force (5,936 children in total), according to the latest official figures. Most of these child laborers are Lebanese, but some are Syrian; they work predominantly in the industrial, craft, and metallurgical sectors. According to a U.N. Children's Fund (UNICEF) study, 60 percent of working children are below 13 years of age and 75 percent earn wages below two-thirds of the minimum wage. Nearly 40 percent of working children work 10 to 14 hours per day, and few receive social welfare benefits. In addition, approximately 52,000 children between the ages of 15 and 19 are in the active labor force; they are not eligible for minimum wages until they reach the age of 21.

e. *Acceptable Conditions of Work.*—The Government sets a legal minimum wage, currently about $200 (300,000 Lebanese pounds) per month. The law is not enforced effectively in the private sector. In theory the courts could be called upon to enforce it, but in practice they are not. The minimum wage is insufficient to provide a decent standard of living for a worker and family. Trade unions actively attempt 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 work an average of 35 hours a week and workers in other sectors work an average of 30 hours a week. Foreign domestic servants, mostly of Asian and African origin, often are mistreated, abused, and raped. The employment contract for a foreign worker is signed by a recruitment agency and the employer; workers rarely are a party to the contract or, if they are a party, do not know what the contract stipulates because it is written in Arabic. The passports of foreign domestic workers are confiscated by the recruitment agency or their employer when the workers arrive at the airport. Foreign domestic servants are not protected by labor laws. Domestic servants work almost 18 hours per day and, in most cases, do not receive time off for vacations or holidays. There is no minimum wage for domestic servants; their average wage is about $100 (150,000 Lebanese pounds) per month. They have no entitlement to government financial assistance. Many workers leave their jobs—which is not against the law—but their employers often report them as thieves to the police in order to locate them and force them to return. For example, Nina Nilani Moutagala, a Sri Lankan national, reportedly chose to flee her employer's household when the opportunity arose because she had been abused and not paid her salary. She then was accused by her employer of theft. She was tried and acquitted on the grounds that she could not have left the house carrying 3 rugs, 6 vases, 4 paintings, 6 crystal chandeliers, and 20 ashtrays, as claimed by her employer. Nonetheless, Nilani spent 3 months in prison.

The law includes specific occupational health and safety regulations. Labor regulations call on employers to take adequate precautions for employee safety. Enforcement, the responsibility of the Ministry of Labor, is uneven. Labor organizers report that workers do not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment.

f. *Trafficking in Persons.*—The law does not prohibit specifically 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." If forced prostitution or forced rendering of sexual services occurs as a result of the abduction, the Penal Code stipulates that the abductor be sentenced to at least 1 year in prison. There were no reports that persons were trafficked in, to, or from the country.

LIBYA*

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 to overthrow King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that re-

*The United States has no official presence in Lybia. Information on the human rights situation therefore is limited.

jects 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 Libya is ruled by the citizenry 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 control political power. Qadhafi is aided by extragovernmental organizations—the Revolutionary Committees and the Comrades Organization—that exercise control over most aspects of citizens' lives. The judiciary is not independent of the Government.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Qadhafi's personal bodyguards, local Revolutionary Committees, and People's Committees, as well as the "Purification" Committees, which were formed in 1996. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government dominates the economy through complete control of the country's oil resources, which account for almost all export earnings and approximately 30 percent of the gross domestic product. Oil revenues constitute the principal source of foreign exchange. Much of the country's income has been lost to waste, corruption, and to attempts to develop weapons of mass destruction and acquire conventional weapons. Despite efforts to diversify the economy and encourage private sector participation, the economy continues to be constrained by a system of extensive controls and regulations covering prices, credit, trade, and foreign exchange. The Government's mismanagement of the economy has caused high levels of inflation, increased import prices, and hampered economic expansion, which has resulted in a decline in the standard of living for the majority of citizens in recent years.

The Government's human rights record remains poor. Citizens do not have the right to change their government. Qadhafi has used extrajudicial killing and intimidation to control the opposition abroad and summary judicial proceedings to suppress it at home. Security forces torture prisoners during interrogations or for punishment. Prison conditions are poor. Security forces arbitrarily arrest and detain persons, and many prisoners are held incommunicado. Many political detainees are held for years without charge. The Government controls the judiciary, and citizens do not have the right to a fair public trial or to be represented by legal counsel. The Government infringes on citizens' privacy rights, and citizens do not have the right to be secure in their homes or persons, or to own private property. The Government restricts freedom of speech, press, assembly, association, and religion. The Government imposes some limits on freedom of movement. There were reports of mass expulsions of foreign workers and residents to neighboring countries in 1997. The Government prohibits the establishment of independent human rights organizations. Violence against women is a problem. Traditional attitudes and practices continue to discriminate against women, and female genital mutilation (FGM) still is practiced in remote areas of the country. The Government discriminates against and represses certain minorities and tribal groups. The Government continues to repress banned Islamic groups and exercises tight control over ethnic and tribal minorities, such as Amazighs (Berbers), Tuaregs, and Warfalla tribe members. The Government restricts basic worker rights, uses forced labor, and discriminates against foreign workers. There have been reports of slavery and trafficking in persons.

Colonel Qadhafi publicly called for violence against opponents of his regime after violent clashes between Islamic activists and security forces in Benghazi in September 1995. Outbreaks of violence between government forces and Muslim militants had continued to plague eastern Libya since that time, but appeared to cease by year's end. The Government encouraged reconciliation with opposition groups during the year, and invited dissidents living abroad to return to Libya, promising that they would be safe. However, few opposition figures returned, and the sincerity of the Government's offer and the likelihood of reconciliation remain unclear.

In April the Government surrendered the two men suspected of the 1988 bombing of Pan Am flight 103 over Scotland. As a result, U.N. sanctions against Libya were suspended.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Violent clashes between the security forces and militant Islamist opposition groups occurred less frequently during the year. In the past, the clashes were concentrated predominantly in the eastern region and resulted in an undetermined number of deaths. Since a 1996 prison mutiny in Benghazi and other attacks against the regime, the Government has maintained

tightened security measures. In the years following the mutiny, the Government made hundreds of arrests, conducted military operations in the areas of insurrection, and killed a number of persons. However, there were no reports of such activities during the year.

The Government uses summary judicial proceedings to suppress domestic dissent, and has used extrajudicial killings and intimidation to control the opposition abroad. Prior to 1994, there were reports that Libyan security forces hunted down and killed dissidents living abroad (see Sections 1.b. and 2.d.).

A large number of offenses, including political offenses and "economic crimes," are punishable by death. A 1972 law mandates the death penalty for any person associated with a group opposed to the principles of the revolution, as well as for other acts such as treason, attempting to change the form of government by violence, and premeditated murder. The "Green Book" of 1988 states that "the goal of the Libyan society is to abolish capital punishment;" however, the Government has not acted to abolish the death penalty and its scope has increased. In 1996 a law went into effect that applies the death penalty to those who speculate in foreign currency, food, clothes, or housing during a state of war or blockade, and for crimes related to drugs and alcohol.

In 1997 two civilians and six army officers were executed: The civilians by hanging and the army officers by firing squad; at least five others were given prison sentences, all convicted on charges of being American spies, committing treason, cooperating with opposition organizations, and instigating violence to achieve political and social goals. The eight executed men were arrested with dozens of others in connection with a coup attempt by army units composed of Warfalla tribe members in October 1993. The men were convicted by the Supreme Military Court and reportedly did not have lawyers for their trial. The convicted persons allegedly were kept in secret locations and tortured throughout their incarceration to obtain confessions of criminal activity.

The U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions noted in 1996 "the apparent lack of respect for fair trial standards in trials leading to the imposition of capital punishment in Libya."

Until April Libya was subject to economic and diplomatic sanctions imposed by the U.N. Security Council in connection with the bombings of Pan Am flight 103 over Scotland in 1988, which killed 259 persons on board and 11 persons on the ground, and the bombing of UTA flight 772 over Chad in 1989, which killed 171 persons. These U.N. Security Council resolutions required that Libya fulfill the following conditions: Ensure the appearance in a U.S. or Scottish court of those charged in the Pam Am 103 case; cooperate with U.S., British, and French investigations into the Pan Am and UTA bombings; pay compensation; and renounce terrorism and support for terrorism. In April the Government surrendered the two men suspected of the Pan Am bombing, which prompted the suspension of U.N. sanctions against Libya. The suspects are to be tried under Scottish law before a Scottish court seated in the Netherlands.

In March a French court convicted in absentia the six defendants in the UTA bombing and sentenced them to life in prison. In July the Government paid the French Government $31 million to compensate the victims' families.

In late November, the Government paid compensation to the British Government for the 1984 killing of British policewoman Yvonne Fletcher outside the Libyan Embassy in London.

In spite of the Government's violent repression of resistance, opposition groups continued to stage attacks on Qadhafi and his regime.

b. *Disappearance.*—The Libyan regime in the past has abducted and killed dissidents in the country and abroad. Libyan dissident Mansour Kikhiya disappeared from Cairo, Egypt in 1993. There is credible information that following his abduction, Kikhiya was executed in Libya in early 1994. There have been no reports of such abductions or killings since 1994.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Security personnel reportedly torture prisoners during interrogations or for punishment. Government agents reportedly periodically detain and torture foreign workers, particularly those from sub-Saharan Africa. Reports of torture have been difficult to corroborate because many prisoners are held incommunicado.

Methods of torture reportedly include: 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, deprivation of food and water, and beatings on the soles of the feet. The law calls for fines against any official using excessive force; however, there are no known cases of prosecution for torture or abuse.

Prison conditions reportedly are poor. While there is insufficient information to make a clear determination on overall prison conditions, a mutiny in July 1996 at the Abu Salim prison was caused by inmates protesting poor conditions. The prisoners went on a hunger strike and captured guards to protest the lack of medical care, overcrowding, and inadequate hygiene and diet provided at the facility. Security units were dispatched to suppress the uprising; as many as 100 persons were killed by security forces.

The Government does not permit prison visits by human rights monitors.

d. *Arbitrary Arrest, Detention, or Exile.*—Security forces arbitrarily arrest and detain citizens. By law, the Government may hold detainees incommunicado for unlimited periods. It holds many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees. Hundreds of political detainees, many associated with banned Islamic groups, reportedly are held in prisons throughout the country (but mainly in the Abu Salim prison in Tripoli); many are held for years without charge. Hundreds of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers.

Security forces in 1998 arrested suspected members and sympathizers of banned Islamic groups and monitored activities at mosques following the violent clashes in eastern Libya (see Section 1.a.). In June 1998, at least 100 professionals in Benghazi and several other major cities were arrested on suspicion of political opposition activities, specifically support of or sympathy for the Libyan Islamic Group, an underground Islamic movement that is not known to have used or advocated violence. Some practicing Muslims have shaved their beards to avoid harassment from security services. Qadhafi has criticized publicly Libyan "mujaheddin" (generally, conservative Islamic activists who fought with the Afghan resistance movement against Soviet forces) as threats to the regime.

The 1994 Purge Law was established to fight financial corruption, black marketeering, drug trafficking, and atheism. It has been enforced by the "Purification" Committees since June 1996 (see Section 1.f.). Scores of businessmen, traders, and shop owners have been arrested arbitrarily on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups, and dozens of shops and firms have been closed. As part of the campaign to implement the Purge Law, the wealth of the middle class and affluent has been targeted as well.

In March 1997, the Libyan General People's Congress approved a law that provides for the punishment of accomplices to crimes of "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 new law 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 Government does not impose exile as a form of punishment. The Government encouraged Libyan dissidents abroad to return to the country during the year, and promised to ensure their safety; however, few returned by year's end, and the sincerity of the Government's offer and the likelihood of reconciliation remain unclear. Prior to 1994, there were reports that security forces hunted down and killed dissidents living abroad (see Section 1.a.). Students studying abroad have been interrogated upon their return (see Section 2.d.).

e. *Denial of Fair Public Trial.*—The judiciary is not independent of the Government.

There are four levels of courts: Summary courts, which try petty offenses; the courts of first instance, which try more serious crimes; the courts of appeal; and the Supreme Court, which is the final appellate level.

Special revolutionary courts were established in 1980 to try political offenses. Such trials often are held in secret or even in the absence of the accused. In other cases, the security forces have the power to pass sentences without trial, especially in cases involving political opposition. The U.N. Special Rapporteur noted in 1996 a lack of fairness in trials of capital cases (see Section 1.a.). 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.

The Government holds a large number of political prisoners. Amnesty International estimates that there are hundreds of persons imprisoned for political reasons.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Government does not respect the right to privacy. Security agencies often disregard the legal requirement to obtain warrants before entering a private home. They also routinely monitor telephone calls.

The security agencies and the Revolutionary Committees oversee an extensive network of informants. Libyan exiles have reported that family ties to suspected regime opponents may result in government 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 have reported that the Government warned members of the extended family of any regime opponent that they, too, risk the death penalty.

The law passed by the General People's Congress in March 1997 formally codified the Government's previous threats of punishment for families or communities that aid, abet, or do not inform the regime of criminals and oppositionists in their midst (see Section 1.d.).

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 authorities tolerate some difference of opinion in People's Committee meetings and at the General People's Congress; however, in general they severely limit freedom of speech. This is especially true with regard to criticism of Qadhafi or his regime. Infrequent criticism of political leaders and policies in the state-controlled media is interpreted as a government attempt to test public opinion or weaken a government figure who may be a potential challenger to Qadhafi.

The regime restricts 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 (see Section 1.f.) that creates an atmosphere of mistrust at all levels of society.

The State owns and controls the media. There is a state-run daily newspaper, Al-Shams, with a circulation of 40,000. Local Revolutionary Committees publish several smaller newspapers. The official news agency, JANA, is the designated conduit for official views. The regime does not permit the publication of opinions contrary to government policy. Such foreign publications as Newsweek, Time, the International Herald Tribune, Express, and Jeune Afrique are available, but authorities routinely censor them and may prohibit their entry onto the market.

Technology has made the Internet and satellite television widely available in Libya. According to numerous anecdotal reports, both are accessed easily in Tripoli.

The Government restricts academic freedom. Professors and teachers who discuss politically sensitive topics face a risk of government reprisal.

b. *Freedom of Peaceful Assembly and Association.*—Public assembly is permitted only with regime approval and in support of the regime's positions.

Despite these restrictions, members of the Warfalla tribe staged several informal protests in 1995 to protest the regime's decision to carry out the death penalty against tribe members involved in the 1993 coup attempt. The Government responded by arresting hundreds of tribe members and expelling others from the military and security forces. In January 1997, eight Warfalla tribe members arrested for involvement in the 1993 coup attempt were executed and at least five others were given prison sentences for allegedly being American spies (see Section 1.a.).

The last display of public discontent and resentment towards the Government occurred when a riot broke out over a penalty called at a soccer match in Tripoli in 1996. The rare instance of public unrest began when a contentious goal was scored by the team that Qadhafi's sons supported and the referee called the play in their favor. The spectators reportedly started chanting anti-Qadhafi slogans after the referee made the call and Qadhafi's sons and their bodyguards opened fire in the air,

then on the crowd. The spectators panicked and stampeded out of the stadium and into the streets, where they stoned cars and chanted more anti-Qadhafi slogans. The Government officially admitted that 8 persons died and 39 were injured as a result of the soccer riots, but there were reports of up to 50 deaths caused by the gunfire and the stampede of the crowd.

The Government limits the right of association; it grants such a right only to institutions affiliated with the regime. According to a 1972 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 restricts freedom of religion. The country is overwhelmingly Sunni Muslim. In an apparent effort to eliminate all alternative power bases, the regime has banned the once powerful Sanusiyya Islamic sect. In its place, Qadhafi established the Islamic Call Society (ICS), which is the outlet for state-approved religion, as well as a tool for exporting the Libyan revolution abroad. The ICS also is 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 conducts activities, suggesting that the organization remains operational. Islamic groups whose beliefs and practices are at variance with the state-approved teaching of Islam are banned. Although most Islamic institutions are under state control, some mosques are endowed by prominent families; however, they generally follow the government-approved interpretation of Islam.

According to recent reports, individuals are rarely harassed because of their religious practices. Members of some minority religions are allowed to conduct services. Christian churches operate openly and are tolerated by the authorities. The authorities reportedly have failed to honor a promise made in 1970 to provide the Anglican Church with alternative facilities when they took the property used by the Church. Since 1988 Anglicans have shared a villa with other Protestant denominations. Christians are restricted by the lack of churches; there is a government limit of one church per denomination per city. A resident Catholic bishop, aided by a small number of priests, operates two churches. In March 1997, the Vatican established diplomatic relations with Libya, stating that Libya had taken steps to protect freedom of religion. The Vatican hoped to be able to address more adequately the needs of the estimated 50,000 Christians in the country.

d. *Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government usually does not restrict the internal movement of citizens, but has imposed blockades on those cities and regions (primarily in the east) where antigovernment attacks or movements originate. In 1996 after the escape of some 400 prisoners—during which residents purportedly harbored escapees—the town of Dirnah was sealed off by government troops and also had its water and electricity cut off.

The Government requires citizens to obtain exit permits for travel abroad and limits their access to hard currency. A woman must have her husband's permission to travel abroad. Authorities routinely seize the passports of foreigners married to citizens upon their entry into the country.

The right of return exists. The regime has called on students, many of whom receive a government subsidy, and others working abroad, to return to Libya on little or no notice. Students studying abroad have been interrogated upon their return. Prior to 1994, there were reports that Libyan security forces hunted down and killed dissidents living abroad (see Section 1.a.).

The Government has expelled noncitizens arbitrarily (see Section 6.e.). There were reports that in April 1998, the Government accused at least 10 Tunisians suspected of membership in, or support for, the Islamist group An-Nadha, which is banned in Tunisia for activities in opposition of the Tunisian Government, and forcibly returned them to Tunisia, where they reportedly were subjected to abuse. In 1995 the Government expelled approximately 1,000 Palestinian residents to signal its displeasure with the signing of the Interim Agreement between Israel and the Palestine Liberation Organization. The Palestinians were forced to live in makeshift camps along the Egyptian border. The Government allowed the Palestinians living in the border camps to return to Libya, but over 200 Palestinians elected to remain, hoping to travel to the West Bank and Gaza or resettle in Egypt. The governments of Egypt and Israel refused to accept the Palestinians in 1996, leaving them stranded in the deteriorating and squalid conditions of the once temporary border encampments. They were removed forcibly from their encampments to another location in the country by police and military authorities in April 1997.

The Government expelled 132 Algerians in November 1997 (see Section 6.e.).

The law does not include provisions for granting asylum, first asylum, or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to

the Status of Refugees or its 1967 Protocol, and the Government does not grant such status. The U.N. High Commissioner for Refugees (UNHCR) reported that by July 1998, there were approximately 10,000 refugees of concern to the UNHCR in the country, including some 4,200 Palestinians, 3,543 Somalis, and smaller numbers of Eritreans, Sudanese, and Ethiopians. The Government officially contacted the UNHCR liaison officer in Tripoli in 1995 in an effort to facilitate the repatriation of Arab and African refugees to their countries of origin. In 1997 the UNHCR assisted in the repatriation of 886 Eritreans and 152 Ethiopians from Libya.

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

Citizens do not have the right to change their government. Major government decisions are controlled by Qadhafi, his close associates, and committees acting in his name. Political parties are banned. Qadhafi appoints military officers and official functionaries down to junior levels. Corruption and favoritism, partially based on tribal origin, are major problems that adversely affect government efficiency.

In theory popular political participation is provided by the grassroots People's Committees, which send representatives annually to the national General People's Congress. In practice, the GPC is a rubber stamp that approves all recommendations made by Qadhafi.

Qadhafi established the Revolutionary Committees in 1977. These bodies consist primarily of youths who guard against political deviation. Some Committees have engaged in show trials of regime opponents; in other cases, they have been implicated in the killing of opponents abroad. The Committees approve all candidates in elections for the GPC.

There is 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. Instead, it created the Libyan Arab Human Rights Committee in 1989. The Committee is not known to have published any reports.

The regime has not responded substantively to appeals from Amnesty International on behalf of detainees. In 1994 the regime characterized Amnesty International as a tool of Western interests and dismissed its work as neocolonialist; its representatives last visited Libya in 1988.

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

The Constitution prohibits discrimination based on these factors; however, the Government does not enforce these prohibitions, particularly discrimination against women and tribal minorities.

Women.—Although there is little detailed information on the extent of violence against women, it remains a problem. In general the intervention of neighbors and extended family members tends to limit the reporting of domestic violence. Abuse within the family rarely is discussed publicly, due to the value attached to privacy in society.

The 1969 Constitutional Proclamation granted women total equality. Despite this legal provision, traditional attitudes and practices prevail and discrimination against women persists and keeps them from attaining the family or civil rights formally provided them. A woman must have her husband's permission to travel abroad (see Section 2.d.).

Although their status is still not equal to that of men, most observers agree that, with the advent of oil wealth in the 1970's, the opportunity for women to make notable social progress has increased. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary government all have contributed to the creation of new employment opportunities for women. In recent years, a growing sense of individualism in some segments of society, especially among the educated young, has been noted. For example, many educated young couples prefer to set up their own households, rather than move in with their parents, and view polygyny with scorn. Since the 1970's, 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 tend to have more "modern" attitudes toward life and have discarded the traditional veil; at the same time, older urban women tend to be more reluctant to give up the veil or the traditional attitudes towards family and employment. Moreover, a significant proportion of rural women still do not attend

school and tend to instill in their children such traditional beliefs as women's subservient role in society.

Employment gains by women also tend to be 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 tend to lack self-confidence and social awareness and seek only a limited degree of occupational and social participation with men.

Children.—The Government subsidizes education (which is compulsory to age 15) and medical care, and has improved the welfare of children; however, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services. Some nomadic tribes located in remote areas still practice female genital mutilation (FGM) on young girls, a procedure that is widely condemned by international health experts as damaging to both physical and psychological health.

People with Disabilities.—No information is available on the Government's efforts to assist the disabled.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab and Amazigh ancestry constitute 97 percent of the population. The principal non-Arab minorities are Amazighs and blacks. There are frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south. The Government has 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.

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 regime 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 prohibits foreign workers from joining this union.

The law does not provide workers with the right to strike. There have been no reports of strikes for years. In a 1992 speech, Qadhafi affirmed that workers have the right to strike, but added that strikes do not occur because the workers control their enterprises.

The official trade union organization plays an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. It exploits international trade union contacts to engage in propaganda efforts on behalf of the regime. The Arab Maghreb Trade Union Federation suspended the membership of Libya's trade union organization in 1993. The suspension followed reports that Qadhafi had replaced all union leaders, 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.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—In its 1995 report, the Committee of Experts of the International Labor Organization's (ILO) stated that "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 1995 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." The Government informed the ILO in 1996 that legislation was enacted to abolish these provisions and submitted a report to the ILO. The ILO did not comment on the report.

There have been credible reports that the Government arbitrarily has forced some foreign workers into involuntary military service or has coerced them into performing subversive activities against their own countries. Libyans, despite the Penal Code's prohibition on slavery, 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. Education is compulsory to age 15. There is no information available on the prevalence of child labor, or on forced or bonded labor by children.

e. *Acceptable Conditions of Work.*—The labor force is approximately 1.2 million workers (including about 160,000 foreign workers) in a population of 5.2 million. Wages, particularly in the public sector, frequently are in arrears. A public wage freeze imposed in 1981 remains in effect and has eroded significantly real income. There is no information available regarding whether the average wage is sufficient to provide a worker and family with a decent standard of living.

The legal maximum workweek is 48 hours. The Labor Law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours.

The Labor Law does not accord equality of treatment to foreign workers. Foreign workers may reside in the country only for the duration of their work contracts, and may not send more than half of their earnings to their families in their home countries. They are subject to arbitrary pressures, such as changes in work rules and contracts, and have little option but to accept such changes or to depart the country. Foreign workers who are not under contract enjoy 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 uses the threat of expulsion of foreign workers as leverage against countries whose foreign policies run counter to Libya's. The Government expelled approximately 1,000 Palestinian residents in late 1995 to signal its displeasure with the agreement between Israel and the Palestine Liberation Organization, and in 1996, the regime threatened to expel thousands of Palestinian workers for political and economic reasons (see Section 2.d.).

Over 130 Algerians were expelled in 1997 (see Section 2.d.).

Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, try to maintain standards set by foreign companies. There is no information on whether a worker can remove himself from an unhealthy or unsafe work situation without risking continued employment.

f. *Trafficking in Persons.*—There is no information available regarding whether the law prohibits specifically trafficking in persons.

There have been reports of trafficking in persons. Libyans 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.

MOROCCO

The Constitution of Morocco provides for a monarchy with a Parliament and an independent judiciary; however, ultimate authority rests with the King, who presides over the Council of Ministers, appoints all 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. The late King Hassan II, who ruled for 38 years, was succeeded by his son, King Mohammed VI, on July 23. Since the constitutional reform of 1996, the bicameral legislature consists of a lower house, elected through universal suffrage, and an upper Chamber of Counselors, whose members are elected by various regional, local, and professional councils. The councils' members themselves are elected directly. The lower house of Parliament also may dissolve the Government through a vote of no confidence. In March 1998, King Hassan named a coalition government headed by opposition socialist leader Abderrahmane Youssoufi and composed largely of ministers drawn from opposition parties. Prime Minister Youssoufi's Government is the first government drawn primarily from opposition parties in decades, and also represents the first opportunity for a coalition of socialist, left-of-center, and nationalist parties to be included in the Government. The November 1997 parliamentary elections were held amid widespread, credible reports of vote buying by political parties and the Government, and excessive government interference. The fraud and government pressure tactics led most independent observers to conclude that the results of the election were heavily influenced, if not predetermined, by the Government. The judiciary historically has been subject to bribery and government influence; however, the Youssoufi Government is implementing a reform program to develop greater independence and impartiality.

The security apparatus includes several overlapping police and paramilitary organizations. The Border Police, the National Security Police, and the Judicial Police

are departments of the Ministry of Interior, while the Royal Gendarmerie reports to the Palace. Members of the security forces continued to commit a number of serious human rights abuses.

Morocco has a mixed economy based largely on agriculture, fishing, light industry, phosphate mining, tourism, and remittances from citizens working abroad. Illegal cannabis production, much of which is destined for Europe, is also a significant economic activity. Economic growth is highly dependent on agricultural output, and has experienced wide fluctuations due to a series of debilitating droughts. According to the Government's statistics, gross domestic product (GDP) grew 6.7 percent in 1998. Due to drought, government estimates for growth in 1999 were 0.6 percent.

There continued to be serious problems in the Government's human rights record; however, under the direction of the new King, the Government continued to improve its record in several areas. Citizens do not have the full right to change their government; however, King Hassan's appointment of an opposition coalition government for the first time in 1998 marked a significant step toward increased democratization. Some members of the security forces occasionally torture or otherwise abuse detainees and beat protesters, and, despite significant government efforts, prison conditions remain harsh. Authorities sometimes ignore legal provisions for due process during arrest and detention. The judiciary historically has been subject to corruption and Interior Ministry influence; however, the Government is implementing judicial reforms in order to increase the level of the judiciary's independence and impartiality. Despite continued improvement during the year, particularly with regard to easing media censorship, the Government continued to restrict freedom of speech and of the press regarding a few topics that the Government considers sensitive, and journalists still practice self-censorship on these topics. The Government limited freedom of assembly and association. In several incidents over the course of the year, police beat demonstrators. Moroccan human rights organizations alleged lack of due process in the trial of some demonstrators for their role in protests in the Western Sahara in late September and October. There were unlawful arrests and police abuse, including of persons in detention, associated with the protests, although most subsequently were released. The Government limited freedom of religion for non-Muslims. Although non-Muslim foreigners may practice their religions freely, missionaries who proselytize face expulsion, and converts from Islam to other religions continue to experience social ostracism. The Government at times restricts freedom of movement. Domestic violence and discrimination against women are common. Teenage prostitution is a problem in urban centers. Child labor also is a problem, and the Government has not acted to end the plight of young girls who work in exploitative and abusive domestic servitude. Amazighs (Berbers) face cultural marginalization, and continue to press the Government to preserve their language and culture. Unions are subject to government interference.

However, there was further progress on some important human rights issues during the year. In March the Human Rights Minister announced that the Government's priority was to harmonize local laws on torture with international treaty obligations. In April the Youssoufi Government organized the first-ever conference on human rights in the Arab world. Soon after assuming the throne, King Mohammed VI stated his own commitment, along with that of the Youssoufi Government, to advancing respect for human rights, and established a new royal commission charged to indemnify former political prisoners and their families. The Minister for Human Rights pledged in May that the "excesses of the past" would end. In August the Government announced a substantial reform advancing prisoner rights and protections, and it cleared a backlog of unenforced legal judgments during the year. In September Abraham Serfaty, who had been exiled since 1991, was allowed to return to Morocco. In November the King relieved of his duties Interior Minister Driss Basri, who was considered by most observers to have been the driving force behind years of abuse of citizens by police and security forces. One immediate effect of Basri's dismissal, most observers agree, was that the practice of press self-censorship has diminished considerably. While the Government began to make significant progress in resolving the fate of those citizens abducted from the 1960's through the 1980's, human rights groups continue to call for full disclosure of all available information.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings. According to press reports in June, police in Berrechid arrested mint vendor Abdelaziz Warret, confiscated his merchandise, and beat him until he fainted. He died later at a hospital. When his family went to claim the body and to obtain

a death certificate, doctors refused to issue one. No explanation was given for his arrest. In August a police officer and two military auxillaries were arrested in connection with the beating death of Farah Mohammed near the northern city of Oujda. Farah Mohammed was stopped by police authorities for questioning in connection with contraband trafficking of fuel across the Moroccan border with Algeria. Eyewitnesses said that the police beat and kicked him into unconsciouness at the time he was detained. He died in police custody. Farah Mohammed's parents lodged an immediate complaint with gendarmerie authorities as soon as they learned of their son's death, which led to the immediate arrest of those police and military auxillary officers allegedly involved in the beating. The trial in the case was pending at year's end.

Human rights groups allege that poor medical care in prisons results in unnecessary deaths; however, the Justice Ministry assigned more doctors to prisons and improved prison health facilities during the year. In addition the first-ever site visits by members of Parliament, the press, and human rights groups to inspect prison conditions took place during the year (see Section 1.c.).

b. *Disappearance.*—There were no new cases of disappearance for the fourth consecutive year. While the forced disappearance of individuals who opposed the Government and its policies occurred over several decades, the Youssoufi Government, upon taking office, pledged that such policies would not recur, and that it would disclose as much information as possible on past cases. Many of those who disappeared were members of the military who were implicated in attempts to overthrow the Government in 1971 and 1972. Others were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. While the Government in recent years quietly released several hundred persons who had disappeared, including about 300 such detainees in June 1991, and although in October 1998 it issued an announcement on those who disappeared, to this day hundreds of Saharan and Moroccan families do not have any information about their missing relatives, many of whom disappeared over 20 years ago. No explanation for their incarceration has ever been provided. Local human rights monitors have concluded that many others died while at the notorious Tazmamart prison, which the Government since has closed. The Government has acknowledged 34 of these deaths and has provided death certificates to the families of all but 1 of the 34 who died.

In an October 9, 1998 speech, King Hassan II directed that all human rights cases should be resolved "within 6 months." On October 15, 1998, the Royal Consultative Council on Human Rights (CCDH) announced the release of information on 112 cases of disappearances. According to the Council, 56 of the 112 who disappeared were deceased; family members of 33 of the deceased received death certificates from the Government. The Council added that eight persons believed to have disappeared were alive and living abroad, and that four were alive and in Morocco. Of the remaining 44, the Council stated that it had no further information. Human rights groups and families pointed out discrepancies between their lists and those of the Government, asked the Government for more data about these cases, and demanded full explanations of the causes and circumstances of these deaths and disclosure of the identities of those responsible. Some family groups claim that the Government is not divulging details on at least 50 more cases. In November 1998, the Council began meetings in various provinces with groups representing families of persons who had disappeared in order to collect data on their grievances and to conduct further research into the fate of those who remain missing. On April 9, the Council announced that it would indemnify the 112 victims of politically motivated disappearances. Human rights NGO's disputed the Council's findings, claiming that they had compiled a list of over 600 potential cases of such disappearances from the 1960's through the 1980's. The NGO's called for the immediate release of all remaining political prisoners, disclosure of the fate of those whose cases the Council did not examine, delivery of the remains of the deceased to their families, compensation for victims and their families, and punishment for those responsible. The Moroccan Organization for Human Rights (OMDH) issued a similar communique on June 6. On August 6, King Mohammed VI established a new royal commission responsible for increasing the Government's efforts to resolve the issue of those who had disappeared and to reach an accommodation with former political prisoners and members of their families. The new commission met with some family members and local human rights organizations and began to draw up guidelines for the resolution of issues involving individuals who had disappeared. There were no developments in the disappearance of Abdullah Sherrouq, a student who reportedly was detained by security services on June 22, 1981. After 18 years, his family has been unable to learn anything of his whereabouts or his fate, despite appeals by Amnesty International (AI).

Associations that seek information on those who have disappeared, including a group representing Tazmamart prison survivors, operate openly and freely, and call upon the Government for full disclosure of events surrounding cases that date back to the 1960's. Several front-page articles in newspapers affiliated with parties in the governing coalition called at various times during the year for full disclosure on all outstanding cases of disappearance. The associations also call for compensation to families of those who have disappeared, death certificates and the return of the remains of those who died, and prosecution of responsible officials. The Government indicated that it would be more open about providing information in these past cases.

The Government pays a monthly stipend of $550 (5,000 dirhams) to 28 former prisoners who survived 18 to 20 years in solitary confinement under harsh conditions at Tazmamart prison in connection with the coup attempts in 1971 and 1972. After their release, the Government prohibited them from speaking out publicly about their detention. In exchange the Government gave the former prisoners assurances that it would help them find jobs and reintegrate them into society; however, none of them has obtained government assistance in this regard, and some complain of being denied voter cards and passports.

c. *Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*—The Government claims that the use of torture has been discontinued; however, some members of the security forces still occasionally torture or otherwise abuse detainees. The OMDH filed a complaint on behalf of some of those who were detained and abused by the police at the end of September, following several days of protests over a variety of social grievances in Laayoune in the Western Sahara (see Sections 1.d., 1.e., 1.f., and 2.b.). There is photographic and other evidence to substantiate claims that the police systematically beat some of the persons they had detained in connection with the protests. An investigation was opened into the charges; however, by year's end no police officials were charged in connection with the force used to break up the protests, nor for the beatings inflicted on some of those detained by the police. Some police officials allegedly responsible subsequently were transferred and the chief of police in Laayoune was relieved of his duties there.

To commemorate the U.N. "International Day for the Support of Torture Victims," the OMDH published a special newspaper in which it called on the Government to implement legislation that would criminalize the use of torture and would control the conditions under which detainees are kept in "garde a vue" detention and in prisons. The OMDH claimed that most cases of torture submitted to the justice system involved incidents that occurred in front of witnesses or in public areas. According to the OMDH, torture in detention largely continues to escape the notice of the judiciary. The OMDH noted that the implementation of judges' instructions on eliminating the use of torture has been "exceedingly slow." While the OMDH admitted that the use of torture has diminished over the years, it claimed that it has not disappeared. The OMDH alleged in its report that those who commit such abuses "do so with impunity in almost all cases." The NGO called on the Government to harmonize domestic law with its responsibilities under the U.N. Convention Against Torture, to ensure full independence for the judiciary, and to punish those who resort to torture.

In April the French-language newspaper of the ruling Socialist Union of Popular Forces (USFP) party, Liberation, published "An Open Letter to My Torturer" by Salah El-Ouadie. The letter is a first-person account of the torture that Ouadie suffered in detention from 1974 until his release in 1984, when he was issued a royal pardon. Imprisoned because of his leftist activities, Ouadie addressed his letter to "K.Y.," who was a police chief in Casablanca's Derb Moulay Cherif neighborhood. Ouadie related that he remembered the click of his torturer's heels, his cologne, his voice, as well as the fate of fellow victims who went mad or died. According to Ouadie, "K.Y." held a position with the national police, and even represented Morocco in 1996 at a U.N. conference on preventing torture, but was forced to retire by the Government late in the year.

In incidents over the course of the year, police continued to use force to disperse several demonstrations by unemployed university graduates associated with the National Association of Unemployed Graduates (known by its French acronym, ANDC), and other groups to a lesser extent. In numerous incidents throughout the country, police beat demonstrators with batons in order to disperse them (see Sections 1.d., 1.e., and 2.b.). From September 22 to 29 in the Western Saharan city of Laayoune, police used brutal force to dispel a series of demonstrations organized by students, unemployed graduates, miners, and former Sahrawhi political prisoners to protest a variety of social conditions and grievances. There were reliable reports of further police brutality in Laayoune over the weekend of October 30 to 31 (see Sections 1.d., 1.e., 1.f., and 2.b.).

In March 1998, the Ministry of Justice and the prison administration implemented a law that makes autopsies routine for any death that occurs in detention, in order to allow allegations of torture to be disproved. The autopsies take place at the request of the family, human rights NGO's, or the state prosecutor, and at the order of a judge. The autopsies were used to disprove three cases that involved allegations of abuse in 1998.

Prison conditions remain harsh; however, they have improved in recent years, due in part to reforms undertaken at the suggestion of the CCDH and the Minister of Justice. On August 25, the Government promulgated new regulations to implement recent legislation that was passed to reform the prison system. The new law contains 128 articles and replaces a royal decree that had governed the prison system since 1915. Among the reforms in the new legislation are provisions mandating compensation for work performed by prisoners. Prisoners with "good conduct" records also are accorded the right to a furlough to visit family members during important holiday periods. The new law forbids the use of handcuffs, manacles, or other devices used for physical restraint, except as required to restrain violent prisoners and then only after consultation with prison medical authorities. Procedures were established to allow the prisons to be inspected by the press and human rights organizations, and members of both the press and human rights organizations visited prisons after the procedures were established in August. Visitors must receive authorization from the Director of the Prison Administration. Special provisions also accord women the right to keep their children with them in prison until the children reach the age of 2, or longer with special permission from the Ministry of Justice. The new law contains provisions that extend the function of the prison system beyond that of punishment and incarceration to include rehabilitation and preparation for a return to society.

Nonetheless, credible reports indicate that harsh treatment and conditions continue, often as a result of chronic overcrowding. In 1997 Oukacha Central Prison in Casablanca, which is designed for 5,000 inmates, held 8,831. Human rights groups allege that poor medical care in prisons results in unnecessary deaths. To address this problem, the Government provided special funds in the 1998-99 budget for the renovation of prison facilities, and added doctors and health facilities to prisons during the year.

In the first visit of its kind Members of Parliament visited Sale prison on February 10 to investigate prison conditions and allegations of overcrowding. Their visit followed that of the "2M" television station, which took an exclusive look at prisons in a broadcast in January. In February the Justice Minister told the French daily newspaper Le Figaro that "the time had come for humanity and prison system reform," adding, "imprisonment does not mean the end of the right to being respected." The Minister acknowledged that there were problems, noting that the prison system currently holds 50,000 inmates, despite being designed for 35,000, but added that "advances have been considerable." In response to the Government's initiatives, the president of the OMDH observed that there was "a change of mind-set," which has resulted in more transparency in the prison system.

Although the Government generally did not permit prison visits by human rights monitors in the past, since the tenure of the Youssoufi Government began there has been close collaboration between the Justice Ministry and human rights groups on prison visits, which now are authorized explicitly by law. OMDH members visited prisons several times throughout 1998 and once in early 1999, and reported that they were well-received and permitted free and full access to gauge progress on government efforts to reduce overcrowding, improve medical care, and provide additional facilities to inmates.

d. *Arbitrary Arrest, Detention or Exile.*—Legal provisions for due process have been revised extensively in recent years, although reports indicate that authorities sometimes ignore them. Although police usually make arrests in public and during the day, they do not always identify themselves and do not always obtain warrants. Incommunicado ("garde-a-vue") detention is limited to 48 hours, with one 24-hour extension allowed at the prosecutor's discretion. In state security cases, the "garde-a-vue" period is 96 hours; this also may be extended by the prosecutor. It is during this initial period, when defendants are denied access to counsel, that the accused is interrogated and abuse or torture is most likely to occur. Some members of the security forces, long accustomed to indefinite precharge access to detainees, continue to resist the new rules.

Under 1991 changes to the law, the police are obliged to notify a person's next of kin of an arrest as soon as possible. However, lawyers are not always informed promptly of the date of arrest, and thus are not always able to monitor compliance with the "garde-a-vue" detention limits. While the law provides for a limited system of bail, it rarely is granted. However, defendants are sometimes released on their

own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate code of military justice, 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.

Moroccan human rights organizations made credible allegations that police authorities unlawfully entered the homes of some Moroccans during the late hours of October 30 to arrest and detain persons wanted by the authorities in connection with the protests in the city of Laayoune in the Western Sahara from September 22 to 29, and and again on October 30 and 31 (see Sections 1.c., 1.e., 1.f., and 2.b.).

Islamist dissident Sheikh Abdessalam Yassine has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the King (see sections 2.a., 2.c., and 2.d.).

In September an incident involving striking egg-farm workers in the southern suburbs of Rabat led to 21 arrests. In that incident, the workers, who damaged farm machinery during their protest, were arrested after demanding better working conditions and higher wages. The owner of the farm, a former police commissioner, reportedly called in the security forces, who charged the strikers with destruction of property and interfering in the means of production. The 21 workers, 8 of whom were women, were fined $50 (500 dirhams) and sentenced to prison for terms ranging from 1 to 7 months (see Sections 2.b. and 6.a.). In another strike incident in October police broke up a strike by the Agadir coastal fishermen's union and arrested four members of the union's leadership, including the secretary general. The strike was called to demand social security benefits and higher wages. The four individuals were tried and, under a statute prohibiting the disruption of economic activity, found guilty, fined $500 (5000 dirhams), and sentenced to 1 year in prison (see Sections 2.a. and 6.a.).

Several persons were arrested and sentenced during the year in connection with their roles in demonstrations that were forcibly disrupted by police (see Sections 1.c., 1.d., and 2.b.).

There are no known instances of forced exile. Formerly exiled political dissident Abraham Serfaty returned to Morocco on September 30. Prior to Serfaty's return, on May 4, police at Rabat airport blocked Serfaty's wife, Christine, a French national, from entering the country upon her arrival from Paris. The next day, the semiofficial newspaper Le Matin stated that she was a "dangerous radical who propagated the idea of independence for the southern territories of Morocco." However, soon after King Mohammed VI took the throne, Serfaty, a member of the (now defunct) Communist Party and a supporter of Saharan independence, who was expelled from Morocco in 1991, was welcomed back.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; although the courts historically have been subject to extrajudicial pressures, including bribery and government influence, the Youssoufi Government is implementing a reform program to introduce independence and impartiality. During the year, the Government continued to implement reforms intended to increase judicial independence. The Justice Minister in April 1998 stated that judicial reform was his top priority, and addressed the issue of corruption by disbarring and disciplining a number of judges. With the encouragement of then-King Hassan and the broad support of the business community, the Minister also oversaw the creation of a system of commercial courts for business litigation to boost investor confidence. In March the Ministry of Justice began to implement a 5-year reform plan that emphasizes transparency, accountability, and professionalism as top priorities. During the year, the administrative courts frequently ruled against local governments that overstepped their authority.

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 servants who are implicated in corruption; administrative courts, which deal with the decisions of the bureaucracy; commercial courts, which deal with business disputes; and the military tribunal, for cases involving military personnel and, on certain occasions, matters pertaining to state security (although state security cases also may fall within the jurisdiction of the regular court system).

Although there is a single court system for most nonmilitary matters, family issues such as marriage, divorce, child support and custody, and inheritance are adjudicated by judges trained in Shari'a (Islamic law). Judges considering criminal cases or cases in nonfamily areas of civil law generally are trained in the French

legal tradition. All judges trained in recent years are graduates of the National Institute for Judicial Studies, where they undergo 3 years of study heavily focused on human rights and the rule of law. It is not necessary to be a lawyer to become a judge, and the majority of judges are not lawyers.

In general detainees are arraigned before a court of first instance. If the infraction is minor and not contested, the judge may order the defendant released or impose a light sentence. If an investigation is required, the judge may release defendants on their own recognizance. According to reliable sources, cases often are adjudicated on the basis of confessions, some of which are obtained under duress.

The Justice Minister has stated that he would attempt to end petty corruption in the judiciary by increasing judges' salaries and ensuring punishment for bribetakers, as well as attempt to end all informal and inappropriate influences on judicial decisionmaking in the court system. Nonetheless, the court system remains subject to extrajudicial pressures. Despite recent increases, salaries for both judges and their staffs remain modest; as a result, some observers allege that petty bribery remains a routine cost of court business. In some courts, especially in minor criminal cases, some observers allege that defendants or their families must pay bribes to court officers and judges to secure a favorable disposition.

In August 1997, King Hassan, after a vacancy of 2 years, appointed a new Minister of Justice, who began to reduce the judiciary's relationship with the Ministry of Interior. Nevertheless, judges continue to work closely with the Interior Ministry's local network of officials, or "caids," who serve as members of the judicial police and often legally are charged with the responsibility of questioning criminal defendants. Caids frequently prepare the written summary of an arrest and subsequent interrogation. The summary is admissible in court as an element of the evidentiary process and can carry great weight with the judge. After the new Justice Minister's appointment, the Ministry of Justice began to reassert its authority and control over judges.

The law does not distinguish political and security cases from common criminal cases. In serious state security cases, communications between the Ministry of Interior and the court are more direct. At the Government's discretion, such cases may be brought before a specially constituted military tribunal, which is subservient to other branches of the Government, especially the military and the Ministry of Interior.

Aside from external pressures, the court system also is subject to resource constraints. Consequently, criminal defendants charged with less serious offenses often receive only a cursory hearing, with judges relying on police reports to render decisions. Although the Government provides an attorney at public expense for serious crimes (when the offense carries a maximum sentence of over 5 years), appointed attorneys often provide inadequate representation.

In May the Justice Minister announced that over the past year the judicial system had enforced judgments in 60,000 out of 100,000 cases of civil litigation, which represented significant progress toward eliminating a persistent backlog.

In December 1998, the OMDH issued a report that assessed the status of the judiciary. According to the OMDH, the Youssoufi administration took a series of steps to improve the court system, including rooting out high-level corruption, naming a new Director for Judicial Administration at the Justice Ministry, reactivating a Justice Ministry disciplinary body, publishing that body's deliberations and decisions, and organizing free and fair elections to that body. Nevertheless, the OMDH called for additional reforms, including changing laws to reduce the Justice Minister's right to suspend judges, revamping the Criminal Code (which the OMDH stated offers insufficient protection for a fair trial), strengthening the law on civil liberties, and compelling judges to place their assets in a blind trust. The OMDH also called on the State to punish those officials guilty of human rights abuses. Finally, the OMDH noted the lack of resources necessary for documentation tracking and for court facilities.

The Government continued to hold a number of political prisoners, although 28 were released in 1998. Prior to the 1998 release, the OMDH estimated that there were some 60 political prisoners, of whom 50 were Islamists and the remainder were leftists. Among the 50 alleged Islamists were 16 members of the "Group of 26." The Ministry of Interior claimed that there were 55 Islamists serving sentences for offenses that ranged from arms smuggling to participating in a bomb attack on a hotel in Marrakech. However, some of these prisoners remain in prison for having called for an Islamic state in 1983. International human rights groups' estimates of the number of persons in prison for advocating independence for the Western Sahara varies from none to 700.

Of the 28 prisoners released in 1998, the AMDH acknowledged that 20 were included on its list of political prisoners; the rest were Islamists who had committed

crimes of murder or robbery, albeit with political motives. After the release of the 28 prisoners, the AMDH released a communique in which it noted the continued incarceration of 16 persons whom it considered to be political prisoners. Amnesty International lists eight persons whom it considers to be political prisoners.

A group of 14 men who called themselves Islamist political prisoners issued a communique from prison on June 13. The communique welcomed the decision to release the 28 political prisoners and to examine ways to redress the excesses of the past, but noted that the CCDH's call for a general amnesty for political prisoners did not benefit many of those who remained in prison. The prisoners called on the Government to "implement, without restrictions or conditions, the CCDH's advisory opinion that calls for the immediate release of all political prisoners and the total and final end of political detention in Morocco."

During and following public demonstrations in Laayoune between September 22 and 29, more than 150 persons were detained by police authorities. Most were released within a matter of days; however, 26 persons were tried on criminal charges for actions taken in connection with the protests and sentenced to imprisonment for periods ranging from 10 to 15 years. The OMDH claimed that the trial of these persons was unfair and insisted that the defendants were not provided adequate legal counsel for their defense. The OMDH also called the sentences excessive for charges that concerned little more than destruction of property during the course of the demonstrations (see Sections 1.f. and 2.b.).

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 ignore these provisions. During protests in Laayoune in the Western Sahara in September and October, police reportedly encouraged local thugs to break into, loot, and destroy private shops. Following the protests in October, police unlawfully entered homes to arrest persons associated with the demonstrations. Human rights NGO's claim that such police actions created a "climate of fear" in the city, forcing some families to flee the city or change residences nightly to avoid such police actions (see Sections 1.c., 1.d., 1.e., and 2.a.).

Government security services monitor certain persons and organizations, both foreign and Moroccan, and government informers monitor activities on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Although the Constitution provides for freedom of expression, the Government restricts press freedom regarding a few topics that the Government considers sensitive. However, newspapers and weeklies from across the political spectrum, from Socialist to nationalist to Islamist, publish freely.

The Government owns the official press agency, Maghreb Arab Press, and the Arabic daily Al-Anbaa. The Government also supports two semiofficial dailies, the French-language Le Matin and the Arabic-language Assahra. In addition the Government provides subsidies to the rest of the press through price supports for newsprint and office space. A 1958 decree grants the Government the authority to register and license domestic newspapers and journals. Authorities may use the licensing process to prevent the publication of materials that they believe cross the threshold of tolerable dissent. Offending publications may be declared a danger to state security, seized, the publisher's license suspended, and equipment destroyed. The Ministry of Interior may control foreign publications by collecting "banned" publications after they have been distributed. In general the Government does not employ extreme measures, and there were no reports of the abuse of the Government's licensing authority during the year. However, the media regularly engages in self-censorship to avoid the Government's attention and possible sanctions.

The Press Code empowers the Minister of Interior to confiscate publications that are judged offensive by the Government. Under the code, the Prime Minister may order the indefinite suspension of a publication. There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation. There were no confirmed cases of seizures of foreign or domestic newspapers or journals for the second year in a row. In general press articles containing unflattering material that routinely had been prevented from circulation in the past were allowed free circulation during the year.

In June the Moroccan weekly Le Journal alleged that the Government ordered its printer to stop printing the newspaper because the newspaper decided to print interviews with several controversial political figures and because it called for the resignation of the Interior Minister. The printer denied that the Government gave such an order, explaining that the newspaper was denied the use of the printing

press only because of its unpaid bills. After its failure to use its usual printer, Le Journal used French printers to continue publishing. It remains on sale throughout the country and continues to publish highly controversial and critical stories that previously would have resulted in its suspension.

The Press Code empowers the Government to censor newspapers directly by ordering them not to report on specific items or events. In most past instances, government control of the media generally has been exercised through directives and "guidance" from the Ministry of Interior. Nonetheless, the Government generally tolerates satirical and often stinging editorials in the opposition parties' dailies. However, both law and tradition historically have prohibited criticism on three topics: The monarchy, Morocco's claim to the Western Sahara, and the sanctity of Islam. However, with respect to the Western Sahara, several leading journals published articles in late October and early November that were highly critical of past government administration of the territory.

The Government controls Radio-Television Marocaine (RTM) broadcasts. Another major broadcaster is the French-backed Medi-1, which operates from Tangier and reaches throughout Morocco and North Africa. While nominally private and independent, Medi-1 practices self-censorship, as do other media outlets. The Government owns the only television stations whose broadcasts can be received in most parts of the nation without decoders or satellite dish antennas. In 1996 the Government purchased a majority share in 2M, formerly the country's sole private station, which can be received in most urban areas. The ostensible reason for the Government's action was to save 2M from bankruptcy; the Government now owns 68 percent of 2M stock, and the Minister of Communication, by virtue of his position, has become the chairman of the board. A government-appointed committee monitors broadcasts. Privatization of these stations continued to be a major topic of political debate during the year, and the Government announced in 1998 that it was preparing a plan for 2M's resale to the private sector.

In June a British Broadcasting Corporation (BBC) reporter accredited to Morocco was denied entry when he attempted to return through the Spanish enclave of Ceuta, allegedly for failing to present any proof that he worked for the BBC. After providing sufficient proof, the reporter was permitted to enter the country. The reporter subsequently was informed on July 1 by the Ministry of Communication that his credentials as a journalist had been denied. However, he subsequently was accredited and continues to reside in Morocco and file stories. Bziz (also known as Ahmad Sanoussi), a popular humorist, has been prohibited from performing in Morocco for the past 12 years due to his satire of those in power; however, in November Bziz appeared in a government-sponsored television advertisement announcing the Royal Palace's second annual "Solidarity Campaign Against Poverty."

Islamist dissident Sheikh Abdessalam Yassine has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the monarchy (see Sections 1.d., 2.c., and 2.d.). However, Yassine's books and articles are sold without restriction, and editorials calling for his release are published without impediment. Yassine's Justice and Charity Organization (JCO) has an active presence on university campuses and occasionally organizes protests of his continued house arrest. However, prominent members of the JCO are subject to constant surveillance and sometimes are unable to obtain passports and other necessary documents. On April 13, AMDH criticized the CCDH for not having addressed the Yassine case in its review of human rights in Morocco.

Dish antennas are available at low cost on the market and permit free access to a wide variety of foreign broadcasts. Residents of the north are able to receive Spanish broadcasts with standard antennas. The Government does not impede the reception of foreign broadcasts or Internet access.

The universities enjoy relative academic freedom in most areas, but are barred from open debate on the monarchy, the Western Sahara, and Islam. Government informers monitor campus activities (see Section 1.f.) and rectors are approved by the Ministry of Interior.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the law also permits the Government to suppress even peaceful demonstrations and mass gatherings, and at times police forcibly prevented and disrupted gatherings during the year. Most conferences and demonstrations require the prior authorization of the Ministry of Interior, ostensibly for security reasons.

Throughout the year, many meetings and marches occurred without government interference; however, police continued to use violent means to disperse unemployed demonstrators and to prevent several marches by members of the ANDC, affiliated groups, and, to a lesser extent, others groups. A court in Fes sentenced two members of the ANDC to 2-month sentences and $50 (500 dirhams) fines for organizing

several ANDC rallies that authorities disrupted in Fes in January. Also in January, police blocked marches planned by blind unemployed graduates in Taounat (near Fes) and Meknes.

Authorities denied permission for a planned February 6 march in Kenitra to protest U.N. policies toward Iraq. On February 14, authorities in Fes used force to disperse striking truckers. On February 15, police stopped blind unemployed graduates when they attempted to march from Istiqlal party headquarters to the Parliament. On March 8, security forces in El-Houceima used force to disperse a protest by unemployed graduates. Unemployed demonstrators camped in front of the Parliament for several weeks in the spring until authorities forced them to disperse in an April 24 nighttime operation. On May 16, a group of 1,000 persons demonstrated in front of Parliament, calling for the cancellation of instructions issued by the Ministry of Interior that barred political parties and NGO's from using government facilities for meetings. As police dispersed the crowd, clashes broke out with demonstrators. On May 20, ANDC members in Essaouira organized a march and sit-in at the municipal council building. Police used violent means to disperse the protesters, and numerous persons were injured. Police also used force against ANDC protesters in Beni Mellal on May 22, injuring numerous protesters and briefly detaining 14. On May 31, police used force to disperse a group of unemployed doctors and engineers who had been conducting a sit-in at the Parliament since May 27.

In Tendrara on June 1, police arrested a group of 15 students who organized a peaceful protest to criticize the corruption of the president of a local rural commune, as well as to ask for a sewage system for the town. The 15 students all were released and none were tried. On June 1 and 11, unemployed blind students attempted to march on Parliament to demand jobs. Police intercepted them, beat them, put them in vans, and returned them to the bus station where they had been staging a sit-in during the previous 8 months. On June 20, police in Laayoune used force to disrupt a demonstration by 35 persons who were demanding work. Two persons were injured and two were arrested; the two arrested were released later.

In September a strike involving egg-farm workers in the southern suburbs of Rabat resulted in 21 arrests. Striking workers, who damaged farm machinery during their protest, were arrested after demanding better working conditions and higher wages. The owner, a former police commissioner, is believed to have called in the security forces, who charged the strikers with destruction of property and interfering in the means of production. The 21 workers, 8 of whom were women, were fined $50 (500 dirhams) and sentenced to prison for terms ranging from 1 to 7 months (see Sections 1.e and 6.a.). In October police broke up a strike by the Agadir coastal fishermen's union and arrested four members of the union's leadership, including the secretary general. The strike was called to demand social security benefits and higher wages. The four individuals were tried and, under a statute prohibiting the disruption of economic activity, were found guilty, fined $50 (500 dirhams), and sentenced to 1 year in prison (see Sections 1.e. and 6.a.).

In what were clearly the worst instances of police excess during the year, police authorities in Laayoune used brutal force to break up demonstrations organized by students, unemployed graduates, miners, and former Sahrawi political prisoners between September 22 and September 29. The incident began as a peaceful protest over a variety of social grievances. There were also credible reports that the Laayoune police encouraged local thugs in civilian dress to break into, loot, and destroy shops owned by local Sahrawi residents of the city. The thugs also reportedly were encouraged to attack local Sahrawi residents. Some who were detained were subjected to systematic beatings and other forms of physical coercion. Nearly 150 persons were detained during and just after the first round of protests in Laayoune in late September. Most of those detained were released; however, 26 persons were charged and sentenced to 10 to 15 years in prison on charges of destruction of property during the protests.

The Justice Minister defended the trial process and the sentences in a statement made on November 8, while he was in Laayoune as part of a royal commission appointed by Mohammed VI to oversee reforms in the administration of the territory. The official Moroccan press agency, MAP, quoted the Minister as saying, "there has not been any violation of the law and the trial took place in a normal and sound way and was based on the confessions of the suspects, who participated in subversive acts, theft, looting, and violation of the sanctities of homes." By contrast the OMDH was highly critical of the trial. It stated that the suspects did not receive adequate legal representation and that the sentences were excessive. The OMDH also filed a complaint with the local judicial authorities on behalf of some of the persons who were taken into custody. The complaint alleged that the police tortured them in order to obtain confessions, and that they were denied due process.

In the aftermath of the first round of protests in Laayoune, King Mohammed VI immediately replaced the governor of the province, relieved the local police chief of his duties, and dispatched military security forces to the city to help restore order. The local population welcomed the military security forces, in which it expressed confidence, as opposed to the police, which it held responsible for creating a "climate of fear" in the city. The new royal commission was dispatched quickly to the city to explain to local residents proposed new measures to decentralize authority in the region, which would allow local residents more of a choice in their affairs, and a new election to choose members to a proposed new royal advisory council on the Western Sahara.

Despite these prompt actions taken to restore confidence and order and to lessen tensions, renewed violence broke out on October 30 and continued into the next day. There were credible reports that police provoked the violence during the day. Order reportedly was not restored until the police were withdrawn from neighborhoods on October 31 and replaced by military security forces. There were further credible reports that during the late night and early morning hours of October 30 and 31, police authorities unlawfully entered homes to arrest persons associated with the demonstrations in late September and earlier that day. Thirty-one persons reportedly were detained. Of these, 10 persons reportedly were released within 24 hours and the remainder released within the following 2-week period.

Some members of the commission on the Western Sahara again were dispatched quickly to Laayoune; however, tensions again mounted in the city when one commission member, then-Interior Minister Basri, told local officials that the referendum on the territory's future, to be held under the auspices of the United Nations (and then scheduled to take place in the summer of 2000), likely would not occur before 2003. Following Basri's statement and the second round of excessive police actions in Laayoune in late October, King Mohammed VI dismissed Basri on November 9. There were no charges made and no investigation was initiated into the excessive use of force by the police by year's end, although the police chief was relieved of his duties and several other police officials were transferred out of the city.

However, there also were numerous peaceful protests during the year. For example, unemployed demonstrators held a sit-in at the Rabat road terminal for 3 months without disruption in the spring. On April 26, 3,000 ANDC members marched peacefully from the Parliament through the center of Rabat after observing a 2-hour sit-in on the steps of the Parliament. Security forces were present, but did not intervene. On May 1, labor unions marched through Casablanca to commemorate May Day. On May 4, police peacefully dispersed ANDC protesters from Parliament. On November 4, students and unemployed graduates marched peacefully from the law faculty in Rabat to the Parliament to protest a variety of social grievances. A similar protest and 6-hour sit-in also occurred without police interference in Marrakech the previous day.

In March the press reported on an alleged Ministry of Interior decision to ban all public meetings from government-owned facilities. Amid protests that such tactics constituted a flagrant violation of the freedom of expression, the AMDH and the League for the Defense of Human Rights (LMDH) issued on March 11, a communique that criticized the Ministry of Interior for its alleged actions. Later the same day, government spokesman Khalid Alioua stated that the Ministry's decision had been "badly interpreted," and applied only to meetings in municipal council and administration buildings, not to the public halls that routinely are used by unions, parties, NGO's, and other groups. On April 14, in response to questions in Parliament, then-Interior Minister Basri maintained that his Ministry had sent to local authorities "a telex for internal use following the unauthorized meeting of a group with an unknown affiliation within a university building on February 22." The Minister added that his goal was "to protect campuses from antidemocratic political activism and to ensure the continuity of public services. Other than that, liberty is the rule." The order was revoked by the Prime Minister's office on November 5.

After violent police suppression of demonstrations in Rabat in October 1998, Basri agreed in December 1998 to recognize officially the jobless demonstrators' association, the ANDC, whose request for recognition had been pending for 7 years. Basri also agreed to grant members of the group 5,000 taxi licenses. Members of the ANDC also were invited by the King to a national conference on unemployment in December 1998. In June the Ministers of Interior and Employment toured the regions to instruct walis and governors on how to take steps to reduce unemployment, and to listen to the needs of the unemployed. However, despite repeated meetings with the Ministers of Interior and Employment, the ANDC has not obtained official recognition and the promised taxi licenses have not been issued.

The Constitution provides for freedom of association; however, the Government limits this right in practice. Under a 1958 decree, which was amended substantially

in 1973 to introduce restrictions on civil society organizations, persons wishing to create an organization must obtain the approval of the Ministry of Interior before holding meetings. In practice the Ministry uses this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups have encountered the greatest difficulty in obtaining official approval. Although there are over 20 active Islamist groups, the Government has prohibited membership in two, the JCO and Jama'a Islamia, due to their perceived anti-monarchy rhetoric. Political parties also must be approved by the Ministry of Interior, which has used this power to control participation in the political process. However, individual Islamists are not barred from participating in recognized political parties. The last known instance in which a proposed political party failed to receive such approval was in 1996, when an Islamist group's application was not approved. The group instead was permitted to present candidates for the 1997 elections under the banner of an existing party. One Islamist party, the Party for Justice and Development (PJD—formerly the Popular Democratic Constitutional Movement), won nine seats in Parliament in the 1997 elections. There was some progress during the year on increasing freedom of association, including the revocation by the Prime Minister of a directive that prohibited the use of public spaces for meetings by associations, political parties, and trade unions. The Prime Minister also eased requirements for obtaining authorization for meetings in public areas.

c. *Freedom of Religion.*—Although the Constitution provides for freedom of religion, until recently only Islam, Christianity, and Judaism were tolerated in practice; however, in 1996 a small foreign Hindu community received the right to perform cremations and to hold services. Other foreign communities enjoy similar religious privileges. However, Baha'is face restrictions on the practice of their faith.

Islam is the official religion. Ninety-nine percent of citizens are Sunni Muslims, and the King bears the title "Commander of the Faithful." The Jewish community of approximately 5,000 practices its faith freely and openly, as does the somewhat larger foreign Christian (Catholic and Protestant) community. The Baha'i community of 350 to 400 persons has been forbidden to meet or participate in communal activities since 1983.

The Government does not license or approve religions or religious organizations. The Government provides tax benefits, land and building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

Islamic law and tradition call for strict punishment for any Muslim who converts to another faith. Citizens who convert to Christianity and other religions sometimes face social ostracism, and in the past a small number have faced short periods of questioning by the authorities. Although voluntary conversion is not a crime under the Criminal or Civil Codes, it remains a crime under religious law, and few citizens make such a distinction. Any attempt to induce a Muslim to convert is illegal. Foreign missionaries either limit their proselytizing to non-Muslims or conduct their work quietly. The Government cited the Penal Code prohibition on employing inducements in order to "shake the faith" of a Muslim or to convert him to another religion in most cases in which courts expel foreign missionaries.

There were no confirmed reports during the year of cases of foreigners being denied entry into the country at the port of Tangier because they were carrying Christian materials. There were no confirmed reports that Christians were arrested or expelled for proselytizing or displaying non-Muslim religious items during the year, as occurred in 1998.

The Ministry of Islamic Affairs monitors Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. The authorities sometimes suppress the activities of Islamists, but generally tolerate activities limited to the propagation of Islam, education, and charity. Security forces commonly close mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity. The Government strictly controls authorization to construct new mosques. Most mosques are constructed using private funds.

The Government provides funds for the teaching of Islam in public schools, and also provides funds for religious instruction to the parallel system of Jewish public schools. The Government has funded several efforts to study the cultural, artistic, literary and scientific heritage of Moroccan Jews. In May King Hassan II organized the first meeting of the "World Union of Moroccan Jews" in Marrakech.

Since the time of the French protectorate (1912–1956), a small foreign Christian community has opened churches, orphanages, hospitals, and schools without any restriction or licensing requirement being imposed. Missionaries who conduct themselves in accordance with societal expectations largely are left unhindered. Those whose proselytizing activities become public face expulsion.

In January a court in Fes convicted 11 men of violating the Penal Code provision that forbids eating or drinking in public during the Ramadan fast. The court levied small fines against the men, who publicly broke their fast the day before the Eid holiday. They did so to acknowledge publicly only Mecca's (as opposed to the Government's) authority in ending the fast.

The Government permits the display and sale of Bibles in French, English, and Spanish, but confiscates Arabic-language Bibles and refuses licenses for their importation and sale, despite the absence of any law banning such books. Nevertheless, Arabic Bibles reportedly have been seen for sale in local bookstores.

There were no reports during the year that the Government summoned members of the Baha'i Faith for questioning or denied them passports, as had occurred in previous years.

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 run, depending on the law that applies, by rabbinical and Islamic authorities who are court officials. Parliament must authorize any changes to those laws. Non-Koranic sections of Muslim law on personal status are applied to non-Muslim and non-Jewish persons.

Islamist dissident Sheikh Abdessalam Yassine has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the King (see Sections 1.d., 2.a., and 2.d.). In October 1998, the Government of Prime Minister Abderrahmane Youssouffi stated that it intended to end Yassine's detention, and an appeal of Yassine's detention was expected to be heard before the Supreme Court. In April the Minister of Housing (and number two official in the Prime Minister's governing party) declared that Yassine's detention could not continue; however, the Government did not release Yassine from house arrest by year's end.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement; however, the Government restricts this right in certain areas. The gendarmerie maintains checkpoints throughout the country, at which drivers' licenses and vehicle registrations are verified for validity. Although checkpoints have been maintained in the same places for years, the degree of inspections of motorists has relaxed, while the emphasis on inspecting trucks and buses continues. In addition while there are continuing allegations that gendarmes demand small bribes to clear vehicles, press reports indicate that gendarmes found guilty of such behavior are punished. In October 1998, the Gendarmerie Royale announced a campaign to combat such abuses within its ranks. On February 10, a court in Tangier sentenced two gendarmes to 1-year prison terms for corruption, complicity in smuggling, and aggravated assault. In the Moroccan-administered Western Sahara, movement is restricted in areas regarded as militarily sensitive.

The Ministry of Interior restricts freedom to travel outside the country in certain circumstances. The OMDH and AMDH have compiled lists of individuals who reportedly have been denied passports or who have passports but are denied permission to travel. The OMDH lists 20 persons, including Mostapha Farissi, a former political detainee. The AMDH's list includes 70 persons, many of whom are Islamists. In addition all civil servants and military personnel must obtain written permission from their ministries to leave the country. The spiritual leader of the Islamist JCO, Sheikh Abdessalam Yassine, has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the monarchy (see Sections 1.d., 2.a., and 2.c.).

Moroccans may not renounce their citizenship, but the King retains the power—rarely used—to revoke it. Tens of thousands of Moroccans hold more than one citizenship and travel on passports from two or more countries. While in Morocco, they are regarded as Moroccan citizens. Dual nationals sometimes complain of harassment by immigration inspectors.

The Government welcomes voluntary repatriation of Jews who have emigrated. Moroccan Jewish emigres, including those with Israeli citizenship, freely visit Morocco. The Government also encourages the return of Sahrawis who have departed Morocco due to the conflict in the Western Sahara, provided that they recognize the Government's claim to the region. The Government does not permit Saharan nationalists who have been released from prison to live in the disputed territory.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While Morocco has from time to time provided political asylum to individuals, the issue of first asylum has never arisen. 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 do 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 has the power to replace any minister at will. The Parliament has the theoretical ability to effect change in the system of government. However, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints the provincial governors and local caids (district administrative officials). Municipal and regional councils are elected.

The Government of Prime Minister Abderrahmane Youssoufi is the first government formed from the political opposition since the late 1950's, and his appointment by King Hassan marked a significant step toward increased democratization. With the support of the monarchy, Youssoufi, who was sentenced to death in absentia in the 1970's but subsequently received a royal pardon in 1980, has declared his intention to modernize the administrative and judicial structures and to liberalize the economic and political system. Of the 41 cabinet-level posts in the new Government, only 4 posts were filled by holdovers from the former Government (Interior, Foreign Affairs, Justice, and Islamic Affairs), plus the Secretary General of the Government and the Minister-Delegate for Defense Administration. In November the King replaced one of the four holdovers, Interior Minister Driss Basri. In order to develop reforms, the King granted cabinet ministers a greater degree of responsibility for the management of their individual portfolios.

Morocco created a bicameral legislature in 1997. Fourteen parties have members in Parliament, and seven are represented in the governing coalition. While opposition parties urged in 1996 and 1997 that all members of Parliament be elected directly by the citizenry, King Hassan II proposed in 1996 the creation of a bicameral legislature, whereby all members of the lower chamber would be elected directly by the citizenry and all members of the second chamber indirectly selected by popularly elected regional, municipal, and professional councils.

In June 1997, Morocco held municipal council elections, followed by balloting for regional professional councils. In the wake of the June 1997 elections, political parties accused each other of manipulation and vote-buying, and claimed government intervention on behalf of candidates. The Election Commission examined numerous petitions during the course of the electoral season in 1997 and recommended the reversal of over 60 municipal election results, including in Tangier, Khoribga, and Oujda, noted irregularities in four parliamentary races in Casablanca, Chefchaouen, and Fes, and called for the results to be set aside. The OMDH criticized the prominent role of the Interior Ministry in the June 1997 elections, as well as the numerous allegations of vote-buying, both by the Government and political parties, electoral list manipulation by the Government, and electoral card falsification.

In August 1997, King Hassan II convoked a special session of Parliament to ratify two laws creating a bicameral assembly, and, in the same month, Parliament unanimously approved these laws, which created a 325-seat lower house to be filled by direct elections, and a 270-seat upper house whose members would be elected by various directly elected professional and regional councils. There were widespread, credible allegations of vote-buying and government manipulation in the November 1997 legislative elections. The fraud and government pressure tactics led most independent observers to conclude that the election results were heavily influenced, if not predetermined, by the Government. All opposition parties criticized the Government, and some called for a boycott of Parliament. Two winners renounced their seats, alleging unsolicited government interference on their behalf. The Election Commission concurred that irregularities had occurred in two Casablanca cases and recommended that new elections be held in those districts; however, new elections were never scheduled. The Commission also examined other complaints and recommended new elections in Chefchaouen and Fes, which took place in 1998.

Women are underrepresented in government and politics. There are 2 female secretaries of state in the 41-member Cabinet. There are 2 women among the 325 members of Parliament's Chamber of Deputies and 2 women in the 270-seat Chamber of Counselors.

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

There are three officially-recognized nongovernmental human rights groups: The Moroccan Human Rights Organization, the Moroccan League for the Defense of Human Rights, and the Moroccan Human Rights Association. A fourth group, the

Committee for the Defense of Human Rights (CDDH), was formed in 1992 by former AMDH members. The Government maintains close and collaborative relations with all of these groups.

A new NGO, the National Observatory of Moroccan Prisons (ONPM), was formed in November for the purpose of improving treatment of prisoners. Created by lawyers, doctors, journalists, former inmates and entertainment personalities, the ONPM's specific goals are to facilitate the improvement of living conditions within prisons and to support penal reform efforts. The ONPM is attempting to enforce the minimum daily dietary allotment that it claims prisons repeatedly disregard.

Amnesty International has local chapters in Rabat, Casablanca, and Marrakech. These chapters participate in AI international letter campaigns outside Morocco. The Government hosted a visit by AI secretary general Pierre Sane in June, during which Sane met with senior government officials and announced that AI would open a regional office in Morocco and would hold its International Congress in Marrakech in August. However, in June articles in the French and Moroccan press asserted that the Government had changed its stance on hosting the conference, allegedly because of fears that AI delegates would organize protests in Rabat against the human rights situation in the Western Sahara.

Prime Minister Youssoufi chairs a human rights commission that reviews cases of past and present human rights issues. The commission is composed of members of the Government, including the Ministers of Justice, Human Rights, and Interior.

The Royal Consultative Council on Human Rights, an advisory body to the King, counsels the palace on human rights issues, and was the organization charged by the King to resolve cases related to persons who had disappeared. The CCDH announced on January 27 that it would create five working groups to promote the protection of human rights. They included groups on penal law; prison conditions; communications with human rights NGO's; inhuman conditions of refugees in Polisario-controlled camps in Tindouf, Algeria; and economic, social, and cultural rights.

Human rights Minister Mohammed Aujjar announced in March that it was the Government's priority to ensure that local laws, particularly the Code for Public Liberties, be harmonized with the country's international obligations "in conformity with the precepts of Islam." Aujjar added that the Government's legal reforms to bolster the freedoms of citizens would take place according to a "5-year plan." For example, the 1935 law permitting the imprisonment of defaulters to settle their debts to public entities would be annulled.

In April in Casablanca, the Government hosted an international conference on human rights in the Arab world. The conference, which included human rights NGO's from throughout the Arab world, examined the status of human rights in the Arab world and reaffirmed the universality of human rights principles. The Prime Minister addressed the gathering and reiterated the Government's commitment to human rights reforms.

The U.N. Education and Science Council (UNESCO) organized a conference in February in Rabat on human rights education in the Arab world. Participants assessed ways to introduce human rights into school curricula in Arab nations and exchanged ideas on spreading the concept of human rights education throughout the Arab world. Several government ministers took part in the proceedings.

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

Although the Constitution states that all citizens are equal, non-Muslims and women face discrimination in the law and traditional practice.

Women.—Spousal violence is common. Although a battered wife has the right to complain to the police, as a practical matter, she would do so only if prepared to bring criminal charges. While physical abuse is a legal ground for divorce, a court only grants it if the woman is able to provide two witnesses to the abuse. Even medical certificates are not sufficient. If the court finds against the woman, she is returned to her husband's home. Consequently, few women report abuses to the authorities.

The Criminal Code provides for severe punishment for men convicted of rape or sexually assaulting a woman or a girl. 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, victim's families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. The law is more lenient toward men with respect to crimes committed against their wives; for example, a light sentence may be accorded a man who murders his wife after catching her in the act of adultery.

Women suffer various forms of legal and cultural discrimination. The civil law status of women is governed by the Moudouwana, or Code of Personal Status, which

is based on the Malikite school of Islamic law. Although the Moudouwana was reformed in 1993, women's groups still complain of unequal treatment, particularly under the laws governing marriage, divorce, and inheritance.

In order to marry, a woman generally is required to obtain the permission of her "tuteur," or legal guardian, usually her father. Only in unusual circumstances may she act as her own "tuteur."

It is far easier for a man to divorce his wife than for a woman to divorce her husband. Under Islamic law and tradition, rather than asking for a divorce, a man simply may repudiate his wife outside of court. Under the 1993 reforms to the Moudouwana, a woman's presence in court is required in order for her husband to divorce her, although women's groups report that this law frequently is ignored. However, human rights activists reported that, in a recent NGO-sponsored test, officials refused to order a divorce without the wife being present, despite offers of bribes. Nevertheless, women's groups complain that men resort to ruses to evade the new legal restrictions. The divorce may be finalized even over the woman's objections, although in such cases the court grants her unspecified allowance rights.

A woman seeking a divorce has few practical alternatives. She may offer her husband money to agree to a divorce (known as a khol'a divorce). The husband must agree to the divorce and is allowed to specify the amount to be paid, without limit. According to women's groups, many men pressure their wives to pursue this kind of divorce. A woman also may file for a judicial divorce if her husband takes a second wife, if he abandons her, or if he physically abuses her. However, divorce procedures in these cases are lengthy and complicated. In November 1998 the Minister of Islamic Affairs proposed the institutionalization of additions to the basic marriage contract that would outline the rights and duties agreed upon between husband and wife, and permit legal recourse for the enforcement of the contract.

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 Moudouwana. Under the Moudouwana, women inherit only half as much as male heirs. Moreover, even where the law provides for equal status, cultural norms often prevent 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 in law, medicine, education, and government service, few make it 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. The Government reports that the illiteracy rate for women is 67 percent (and 89 percent in rural areas), compared with 41 percent for men. Women in rural areas suffer the most from inequality. Rural women perform most difficult physical labor, and the literacy rate in the countryside is significantly lower for women than for men. Girls are much less likely to be sent to school than are boys, especially in rural areas where the quality of schooling is inferior to urban areas, and demands on girls' time for household chores often prevent school attendance. However, women who do earn secondary school diplomas have equal access to university education.

According to a 1997 government survey, 76 NGO's work to advance women's rights and to promote women's issues. Among these are the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, which advocate enhanced political and civil rights, as well as numerous NGO's that provide shelters for battered women, teach women basic hygiene, family planning, and child care, and educate illiterate women.

Children.—The law provides for compulsory education for children between the ages of 7 and 13; however, not all children between these ages attend school due to family decisions and shortfalls in government resources, and the Government does not enforce the law. The Government conducts an annual campaign to vaccinate children against childhood diseases.

The Government has had difficulty addressing the problem of child labor (see Section 6.d.). Young girls in particular are exploited as domestic servants. Teenage prostitution in urban centers has been estimated in the tens of thousands by NGO activists. The clientelle comprises both foreign tourists and Moroccans. More young girls than boys are involved; however, young boys also work as prostitutes (see Section 6.f.). The practice of adoptive servitude, in which families adopt young rural girls and use them as domestic servants in their homes, is prevalent. Credible reports of physical and psychological abuse in such circumstances are widespread. Some orphanages have been charged as knowing accomplices in this practice; however, more often parents of rural girls "contract" their daughters to wealthier urban families and collect the salaries for their work as maids. Adoptive servitude is accepted socially, has only recently begun to attract public criticism, and is unregulated by the Government.

Another problem facing orphans of both sexes is their lack of civil status. In general men are registered at local government offices; their wives and unmarried children are included in this registration, which confers civil status. Civil status is necessary to obtain a birth certificate, passport, or marriage license. If a father does not register his child, the child is without civil status and the benefits of citizenship. It is possible for an individual to self-register; however, 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. Abandoned children sometimes receive kafala (state-sponsored care).

Several NGO's, including the Bayti Association and the Moroccan League for the Protection of Children, work to improve legal protection for children and to help at-risk children. There are several shelters in the major cities that provide food and lodging for street children, while other NGO's work to reduce the exploitation of street children and to cure those street children with drug addictions.

People with Disabilities.—A high incidence of disabling disease, especially polio, has resulted in a correspondingly high incidence of disabled persons. While the Ministry of Social Affairs endeavors to integrate the disabled into society, in practice this is left largely to private charities. However, even nonprofit special education programs are priced beyond the reach of most families. Typically, disabled persons are supported by their families; some survive by begging. The Government continued a pilot training program for the blind sponsored in part by a member of the royal family. There are no laws mandating physical changes to buildings to facilitate access by the disabled.

National/Racial/Ethnic Minorities.—The Constitution affirms, and the Government respects, the legal equality of all citizens. The official language is Arabic. Both French and Arabic are used in the news media and educational institutions. Science and technical courses are taught in French, thereby precluding the large, monolingual-Arabic-speaking population from participation in these programs. Educational reforms in the past decade have stressed the use of Arabic in secondary schools. Failure to transform the university system similarly effectively has disqualified many students from higher education in lucrative fields. This especially is true among the poor, for whom French training is not always affordable.

Some 60 percent of the population claim Amazigh (Berber) heritage. Amazigh cultural groups contend that Amazigh traditions and the Amazigh language (which consists of three dialects) are rapidly being lost. Their repeated requests to King Hassan II to permit the teaching of Amazigh languages in the schools led to a 1995 royal speech authorizing the necessary curriculum changes; however, such changes have not yet been implemented. Official media broadcast in the Amazigh language for limited periods each day.

In 1996 a number of Amazigh associations issued a communique petitioning the Government to recognize their language as an official language and to acknowledge their culture as a part of Moroccan society. These associations claimed that the Government refuses to register births for children with traditional Amazigh names, discourages the public display of the Amazigh alphabet, limits the activities of Amazigh associations, and continues to Arabize the names of towns, villages, and geographic landmarks. The Government thus far has made no response to the petition, although Prime Minister Youssoufi acknowledged Amazigh culture as an integral part of Moroccan identity in a speech before Parliament in April 1998. A full page of a major national newspaper is devoted on a monthly basis to articles and poems on Amazigh culture, which are printed in the Amazigh language, although with Latin script.

On January 29, for the first time ever, the Moroccan Association for Research and Cultural Exchanges (AMREC), the first Amazigh association founded in Morocco (in 1967), held its first public congress. According to the PPS party daily Bayane Al-Youm, AMREC previously was never able to hold its congress in public. In late January, Minister of Communication Larbi Messari announced that the Government would dedicate more hours of television and radio broadcasting time to news and programming in the Amazigh languages, which he recognized as part of the "national heritage." In July in Nador, the Minister of Territorial Management (and number three official in the ruling USFP party) attended a conference on education in the Amazigh language. At the meeting, he underlined the necessity to begin a serious dialog on Amazigh identity, to expand studies of Amazigh language and culture, and to encourage civil society efforts to promote Amazigh identity. A professor in Casablanca backed down from plans to publish a Koran in the Amazigh language due to societal opposition.

Section 6. Worker Rights

a. *The Right of Association.*—Although workers are free to establish and join trade unions, the unions themselves are not completely free from government interference. Perhaps half a million of the country's 9 million workers are unionized in 17 trade union federations. Three federations dominate the labor scene: The Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). The UMT has no political party affiliation. The CDT is affiliated with the ruling Socialist Union of Popular Forces of Prime Minister Youssoufi, and the UGTM with the Istiqlal party. It is widely believed that the Ministry of Interior has informants within the unions who monitor union activities and the election of officers. Sometimes union officers are subject to government pressure. Union leadership does not always uphold the rights of members to select their own leaders. There has been no case of the rank and file voting out its current leadership and replacing it with another.

Workers have the right to strike and do so. Work stoppages normally are intended to advertise grievances and last 24 to 72 hours or less. There were a number of narrowly focused work stoppages during the year. A strike by Agadir coastal fisherman in the fall, in which they demanded higher wages and social security benefits, resulted in the trial and imprisonment for 1 year of the union's secretary general and three other members. An appellate court upheld the ruling (see Section 1.e.). In September striking workers, including women, were jailed following a strike, during which property was destroyed, at an egg farm south of Rabat (see Sections 1.e. and 2.b.).

Unions may sue to have labor laws enforced, and employers may sue unions when they believe that unions have overstepped their authority.

Unions belong to regional labor organizations and maintain ties with international trade union secretariats. The UMT is 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. Trade union federations compete 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.

In general the Government ensures the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops-dominated handicrafts sector, employers routinely ignore labor laws and regulations, and government inspectors lack the resources to monitor violations effectively.

The laws governing collective bargaining are inadequate. 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 are set in discussions between employer and worker representatives. However, wages for the vast majority of workers are set unilaterally by employers.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases where employers plan 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.

There is no law specifically prohibiting antiunion discrimination. Employers commonly dismiss workers for union activities that are regarded as threatening to employer interests. The courts have the authority to reinstate such workers, but are unable to enforce rulings that compel employers to pay damages and back pay. Ministry of Labor inspectors serve as investigators and conciliators in labor disputes, but they are few in number and do not have the resources to investigate all cases. Unions have resorted increasingly to litigation to resolve labor disputes.

Labor law reform is such a controversial issue that a draft revised labor code has remained under discussion in parliamentary committee for numerous years.

Labor law applies equally to the small Tangier export zone. The proportion of unionized workers in the export zone is about the same as in the rest of the economy, roughly 5 percent.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by royal decree, and when authorities become aware of instances of forced labor, courts enforce the decree; however, in practice the Government lacks the re-

sources to inspect all places of employment to ensure that forced labor is not being used, and the practice persists.

The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively. The practice of adoptive servitude, in which families adopt young girls and use them as indentured domestic servants, is socially accepted, and the Government does not regulate it. Credible reports of physical abuse in such cases are widespread (see Sections 5, 6.d., and 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Abuse of the child labor laws is common. The law prohibits the employment of any child under 12 years of age. Education is compulsory for children between the ages of 7 and 13 years, although not all children attend school. Special regulations cover the employment of children between the ages of 12 and 16. In practice children often are apprenticed before age 12, particularly in the informal handicraft industry. The use of minors is common in the small family-run workshops that produce rugs, ceramics, wood work, and leather goods. Children, particularly rural girls, also are employed informally as domestics and usually receive little or no wages. Safety and health conditions, as well as wages in businesses that employ children often are substandard. The law prohibits forced or bonded labor by children; however, the Government does not enforce the law effectively (see Section 6.c.). The practice of adoptive servitude is often characterized by physical abuse (see Sections 5, 6.c., and 6.f.). The Ministry of Education, in cooperation with the Ministry of Health and with the support of UNICEF, is pursuing a strategy to ensure basic education and health services for child workers.

Ministry of Labor inspectors are responsible for enforcing child labor regulations, which generally are well observed in the industrialized, unionized sector of the economy. However, the inspectors are not authorized to monitor the conditions of domestic servants. The Government maintains that the informal handicrafts sector is difficult to monitor.

The Government lacks the resources to enforce laws against child labor, and there is general acceptance of the presumption that, to properly learn traditional handicraft skills, it is necessary for children to start working at a young age. In addition many citizens claim that having children working to learn a craft is better than having them live on the streets, where they sometimes turn to juvenile delinquency, including prostitution and substance abuse.

In July 1997, the Government announced a new voluntary labeling system for carpet exports to certify that no child labor was involved in production. The system is cosponsored by German rug importers. However, the Government does not monitor nonparticipating handicraft producers that violate child labor laws.

e. *Acceptable Conditions of Work.*—The June 1996 general strike led to negotiations among the Government, the Manufacturers' Association, and the labor confederations over increasing the minimum wage and improving health benefits, social benefits, and housing. In August 1996, all three parties agreed to a 10 percent increase in the minimum wage retroactive to July 1, raising it to approximately $180 (1,800 dirhams) per month in the industrialized sector and to approximately $9 (90 dirhams) per day for agricultural workers. Neither figure provides a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. Unions continue to appeal unsuccessfully for a minimum wage of approximately $210 (2,100 dirhams). In many cases, several family members combine their income to support the family. Most workers in the industrial sector earn more than the minimum wage. They generally are paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage is not enforced effectively in the informal and handicraft sectors, and even the Government pays less than the minimum wage to workers at the lowest civil service grades (approximately 8 percent of government workers), although benefits are more generous, and include transportation, food and housing subsidies, free vacations, and other nonmonetary remuneration. To increase employment opportunities for recent graduates, the Government allows firms to hire them for a limited period through a subsidized program at less than the minimum wage.

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 are not observed universally.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. Labor inspectors attempt to monitor working conditions and accidents, but lack sufficient resources.

While workers in principle have the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment, there were no reports of any instances in which a worker attempted to exercise this right.

f. *Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; under the Penal Code, perpetrators are prosecuted either as scam artists, corrupters of minors, or persons who force others into prostitution.

Forced prostitution is prevalent, particularly in cities with large numbers of tourists, as well as near towns with large military installations. In 1998 a case was reported in which a girl allegedly had been imprisoned for 5 years in a brothel in Hajeb until she escaped at age 19.

Forced prostitution involving Moroccans also occurs abroad. Early in the year, a Moroccan woman who had been recruited to be a domestic servant in Saudi Arabia, escaped a prostitution ring there and informed police, which led to the arrest of her Moroccan handlers, an extended family group numbering about 40 persons. This same group of Moroccans had been involved in organizing similar such activities throughout the Persian Gulf region.

Teenage prostitution in urban centers has been estimated in the tens of thousands by NGO activists. The clientelle comprises both foreign tourists and Moroccans. More young girls than boys are involved; however, young boys also work as prostitutes (see Section 5).

The practice of adoptive servitude, in which families adopt young girls and use them as indentured servants, is prevalent and accepted socially, and the Government does not regulate it. Reports of physical and psychological abuse in such cases are widespread; reports of sexual abuse are less frequent. Some orphanages have been charges as knowing accomplices in this practice; however, more often, parents of rural girls "contract" their daughters to wealthier urban families and collect their salaries as maids (see Sections 5 and 6.d.).

WESTERN SAHARA

The sovereignty of the Western Sahara remains the subject of a dispute between the Government of Morocco and the Polisario Front, 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. The Moroccan Government has undertaken a sizable economic development program in the Western Sahara as part of its long-term efforts to strengthen Moroccan claims to the territory.

Since 1973 the Polisario Front 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 U.N. 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 the Kingdom of 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. Most Sahrawis (as most persons living in the territory are called) live in the area controlled by Morocco, but there is a sizable refugee population near the border with Morocco, in Algeria, and, to a lesser extent, in Mauritania. The bulk of the Sahrawi population lives within the area delineated by a Moroccan-constructed berm, which encloses most of the territory.

Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civilian arm of the Polisario Front. Morocco withdrew from the OAU in protest.

In 1988 Morocco and the Polisario Front accepted the U.N. plan for a referendum that would allow the Sahrawis to decide between integration with Morocco or independence for the territory. The referendum was scheduled for January 1992, but was postponed because the parties were unable to agree on a common list of eligible voters—despite the previous acceptance by both parties of an updated version of the Spanish census of 1974 as the base for voter eligibility. A complicated formula for

determining voter eligibility ultimately was devised, and in August 1994, MINURSO personnel began to hold identification sessions for voter applicants.

The initial U.N voter identification effort ended in December 1995 and, after several fruitless efforts to persuade the two parties to cooperate, the U.N. Security Council formally suspended the identification process in 1996. The United Nations and friendly governments continued to urge the two parties to seek a political solution to the conflict. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine possible approaches for a peaceful settlement. Baker visited the region, and negotiations between the Moroccan Government and the Polisario began in May 1997. In September 1997, representatives of Morocco and the Polisario met in Houston in the United States and consented to a series of compromise agreements on the 1991 U.N. settlement plan to hold a referendum under U.N. auspices. According to the Houston Accords, the identification of potential voters, the referendum campaign, and the vote were to take place by December 1998; however, operational considerations have now delayed the scheduled referendum until July 2000.

In August 1998, MINURSO completed identification of voters in all uncontested tribal groupings. In November 1998, the U.N. Secretary General visited the region to examine ways of achieving compromise on several contested elements of the settlement plan in order to move the referendum process forward. After his consultations, the Secretary General proposed a series of measures in December 1998 to both parties. The measures proposed were aimed at establishing procedures among the parties to allow MINURSO to begin the identification process of three "contested tribes." After agreement between the parties was reached on the contested tribes, MINURSO began the identification process of an additional 65,000 potential voters. The identification process of the three contested tribes was completed in December. Only 4 percent of the applicants in this phase of the identification process were deemed eligible to vote in the referendum. Roughly 80,000 appeals also have been registered by those who were deemed ineligible to vote after the first round of the identification process. MINURSO had not yet begun to adjudicate these appeals by year's end. Further appeals are expected following the completion of the identification process for the contested tribes.

Since 1977 the Saharan provinces of Layounne, Smara, and Boujdour have participated in local elections that are organized and controlled by the Moroccan Government. The southern province of Oued Ed Dahab has participated in Moroccan-controlled elections since 1983. Sahrawis whose political views are aligned with the Moroccan Government fill all the seats allotted to the Western Sahara in the Moroccan Parliament.

The civilian population living in the Western Sahara under Moroccan administration is subject to Moroccan law. U.N. observers and foreign human rights groups maintain that Sahrawis have difficulty obtaining Moroccan passports, that the Government monitors the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities react especially harshly against those suspected of supporting independence and the Polisario Front. The Moroccan Government limits access to the territory, and international human rights organizations and impartial journalists sometimes have experienced difficulty in securing admission. After years of denying that Sahrawis were imprisoned in Morocco for Polisario-related military or political activity, the Government of Morocco released 300 such prisoners in 1991. Entire families and Sahrawis who had disappeared in the mid-1970's were among those released. The Government of Morocco has failed to conduct a public inquiry or to explain how and why those released spent up to 16 years in incommunicado detention without charge or trial.

The former Sahrawi detainees have formed an informal association whose principal objective is to seek redress and compensation from the Government of Morocco for their detention. A delegation of this association met with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and in Layounne during the year. They report that some progress has been made in gaining government recognition of their grievances.

In Laayoune in late September, and, to a lesser extent, in late October, there was a series of peaceful public protests, sit-ins and demonstrations by groups of miners, students, unemployed graduates, and former Sahrawi prisoners who were seeking government redress regarding a variety of social issues ranging from subsidized transportation for the students to miners' demands for enforcement of a contract dispute with the government-owned phosphate company. The police used excessive violence to break up these protests. The police also encouraged gangs of local thugs to break into and vandalize the homes and places of business of some the city's Sahrawi residents. The police detained roughly 150 persons in connection with the demonstrations. Most were released within 2 weeks. However, 54 persons eventually

were charged with various criminal offenses, and 46 eventually were sentenced to prison terms ranging from 2 months to 15 years. The Moroccan Organization for Human Rights (OMDH) released a report criticizing the violent police action and the judicial process, which resulted in prison terms for the 46 persons. Attorneys representing the 46 convicted persons on appeal state that in no case did the prosecutors produce eyewitness testimony against any of the persons charged. The only evidence presented by the prosecutors was the police report of the arresting officers. The attorneys also state that in no case did the police make an arrest on the basis of a legitimate warrant. Searches also were conducted, sometimes in the middle of the night, without warrants. Some persons whose homes were searched were also beaten by police who came to arrest other members of the household. No official investigation was made into the police's conduct, and no police authorities were charged with any criminal or civil wrongdoing by year's end.

After the first round of protests in late September, Morocco's new King, Mohammed VI, announced that he would revitalize the Royal Council on Saharan Affairs and ordered the Prime Minister to organize an election to select local representatives to the Council. The King also relieved of their duties the powerful governor of the territory and the chief of police. Following the second round of protests in late October and other events in Morocco itself, the King dismissed the country's powerful Interior Minister, Driss Basri, whom many Moroccan observers held responsible for the policy of overly strict governance in the territory that helped create the tensions and grievances that eventually led to the demonstrations in Layounne. The Government began to respond to the King's initiatives, and several ministerial delegations were sent to Layounne in October and November to assess the measures required to restore calm and build confidence between the authorities and the local population.

A number of other Sahrawis remain imprisoned for peaceful protests supporting Saharan independence. There are credible reports that 10 Sahrawis were arrested, beaten, and kept in seclusion by Moroccan authorities in May 1996 following demonstrations in several cities of the Western Sahara in support of Sahrawi independence. These 10 demonstrators reportedly were sentenced to terms of imprisonment ranging from 18 months to 7 years.

Kelthoum El-Ouanat and five other Sahrawis were released in May 1996. El-Ouanat had been sentenced to a 20-year term after being arrested in October 1992 following a demonstration in Smara. Prior to her trial, she had been held in secret detention for up to 10 months, during which time she reportedly was beaten, tortured, and sexually abused. In June 1995, eight Sahrawi youths, arrested for demonstrating for Sahrawi independence the previous month, were given 20-year sentences. Then-King Hassan II later commuted these sentences to 1 year, and the eight were released in July 1996, 14 months after having been taken into custody. The youths report that the Moroccan police continue to monitor them closely.

The Polisario Front claims that the Moroccan Government continues to hold several hundred Sahrawis as political prisoners and approximately 300 prisoners of war (POW's). The Government of Morocco formally denies that any Sahrawi noncombatants remain in detention. A committee that represents former Sahrawi prisoners believes that the Government of Morocco no longer holds any of those Sahrawis who were detained illegally during the 1970's and 1980's. The committee based this determination on interviews with family members of individuals who had been detained during that period. In October 1996, Morocco released 66 Sahrawi combatants who were flown to the Tindouf area of Algeria under International Committee of the Red Cross (ICRC) auspices. They were accompanied by foreign diplomats. The Government of Morocco claims that 30,000 Sahrawi refugees are detained against their will by the Polisario in camps around Tindouf. The Polisario denies this charge. According to credible reports, the number of refugees in Tindouf far exceeds 30,000, but the allegation that they wish to leave remains unsubstantiated.

The ICRC reports that the Polisario now holds approximately 1,900 Moroccan POW's. A group of 185 POW's was repatriated to Morocco in a humanitarian airlift conducted under ICRC auspices in November 1995. In April 1997, Polisario leaders offered to release 85 Moroccan POW's as a good will gesture during U.N. envoy Baker's first meetings in Tindouf, but Morocco and the Polisario could not agree on the conditions of their release. The Polisario offered to release 191 POW's in November. Credible sources indicate that the Government of Morocco is prepared to accept the return of these prisoners, many of whom have been in detention for more than 20 years. The U.N. settlement plan calls for the release of all POW's after the voter identification process is complete.

There were no new cases of disappearance for the third consecutive year. While the forced disappearance of individuals who opposed the Government of Morocco

and its policies occurred over several decades, the Government in 1998 pledged to ensure that such policies do not recur, and to disclose as much information as possible on past cases. Many of those who disappeared were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. While the Government released about 300 such detainees in June 1991, and in October 1998 issued an announcement on those who had disappeared, to this day hundreds of Sahrawi and Moroccan families do not have any information about their missing relatives, many of whom disappeared over 20 years ago (see Section 2.b. of the Morocco report).

Freedom of movement within the Western Sahara is 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 sometimes subject travelers to arbitrary questioning. There were no reports of detention for prolonged periods during the year.

There is little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco are applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions are present in the Moroccan-controlled Western Sahara but are not active. The 15 percent of the territory outside Moroccan control does not have any major population centers or economic activity beyond nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, is not active in the Western Sahara.

A group of phosphate miners participated in the demonstrations in Layounne in late September and again in late October. They claim that the government-owned phosphate company has failed to respect a contract that had been negotiated between the Government of Morocco and former Spanish authorities in the territory when Spain withdrew from the territory and relinquished control of the mines to Morocco. The miners state that they had a series of meetings with officials of the government-owned phosphate company since the demonstrations in Layounne in late September but that no agreement was reached about enforcement of what they believe to be their contractually protected rights.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members are employees of the Moroccan Government or state-owned organizations. They are paid 85 percent more than their counterparts outside the Western Sahara as an inducement to Moroccan citizens to live there. Workers in the Western Sahara are exempt from income and value-added taxes and receive subsidies on such commodities as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibits forced labor, which does not appear to exist in the Western Sahara.

Regulations on the minimum age of employment are the same as in Morocco. Child labor appears to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug knotting and garment making. A government work program for adults, the Promotion Nationale, provides families with enough income that children need not be hired out as domestic servants. Children in the few remaining nomadic groups presumably work as shepherds along with other group members.

The minimum wage and maximum hours of work are the same as in Morocco. However, in practice workers in some fish processing plants may work 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. Occupational health and safety standards are the same as those enforced in Morocco. They are 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 or directly elected representative institutions. The current 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—even those who took up arms against his family's rule—as well as other notables into the Government. In accordance with tradition and cultural norms, much decisionmaking is by consensus among these leaders. In 1991 the Sultan established the 59-seat Consultative Council, or Majlis Ash-Shura, which replaced an older advisory body. The Government selects Council members from lists of nominees proposed by each of the 59 wilayats (regions). After the first national census in 1993, the Sultan expanded the member-

ship of the new Council to 80 seats. In 1997 it was expanded further to 82 seats. The Council has no formal legislative powers but may question government ministers, even during unrehearsed televised hearings, and recommend changes to new laws on economic and social policy, which sometimes leads to amendments to proposed decrees. In December 1997, the Sultan appointed 41 persons as members of the new Council of State (Majlis Al-Dawla), which with the current Consultative Council forms the bicameral body known as the Majlis Oman (Council of Oman). In late 1996, the Sultan promulgated by decree the country's "Basic Charter" (also known as the Basic Law), which provides for citizens' basic rights in writing for the first time. The courts are subordinate to the Sultan and subject to his influence.

The internal and external security apparatus falls under the authority of the Ministry of Palace Office, which coordinates all intelligence and security policies. The Internal Security Service investigates all matters related to internal security. The Royal Oman Police, whose head also has cabinet status, performs regular police duties, provides security at airports, serves as the country's immigration agency, and maintains a small coast guard. There are credible reports that security forces occasionally abuse detainees.

Since 1970 Oman has used its modest oil revenue to make impressive economic progress and improve public access to health care, education, and social services. The economy is mixed, with significant government participation in industry, transportation, and communications. The Government seeks to diversify the economy and stimulate private investment.

The Government continues to restrict or deny important human rights. Human rights abuses include arbitrary arrest, mistreatment of detainees, prolonged detention without charge, and the denial of due process. The Government restricts freedom of expression and association and does not ensure full rights for workers and women. As a practical matter, citizens do not have the right to change their government.

The 1996 Basic Charter provides for many basic human rights, such as an independent judiciary, and 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. This has not occurred; only certain laws pertaining to the legal code for family and interpersonal relationships, to judicial reform, and to aspects of the Finance Ministry, had been enacted by year's end. It is expected that the implementation period may extend into 2000, and possibly beyond. There has been no public statement made by the Government noting the end of the 2-year period since issuance of the Basic Charter and proposing a new target date for implementation.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Security forces abuse some detainees, particularly during interrogation. The abuse does not appear to be systematic and often varies depending upon the social status of the victim, the official involved, and the location of the incident (for example, whether the abuse occurs in a rural or an urban area). Despite reported official efforts to prevent such abuse, incidents still occur. Security officials sometimes beat detainees but are often careful to conceal evidence of abuse by employing such tactics as restricting blows to less-visible areas of the body. Detainees sometimes are left in isolation with promises of release or improved treatment as a further means to elicit confessions or information. Although judges have the right to order investigations of allegations of mistreatment, there is no recent evidence that any officer has been punished for abusing detainees. The 1996 Basic Charter, yet to be implemented in this area, specifically prohibits "physical or moral torture" and stipulates that all confessions obtained by such methods are to be considered null and void. There were no reports of torture during the year.

Prison conditions appear to meet minimum international standards. Access to some prisoners is severely restricted.

The Government does not permit independent monitoring of prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—The police may obtain warrants prior to making arrests but are not required by law to do so. However, the authorities must obtain court orders to hold suspects in pretrial detention--within 24 hours of arrest, the police are required to file charges or ask a magistrate judge to order continued detention. However, in practice the police do not always follow these procedures.

Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There is a system of bail. The 1996 Basic Charter provides for certain legal and procedural rights for detainees; however, these provisions have yet to be implemented.

Police handling of arrests and detentions constitutes incommunicado detention in some instances. The police do not always notify a detainee's family or, in the case of a foreign worker, the worker's sponsor, of the detention. Sometimes notification is made only just prior to the detainee's release. The authorities post 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 in Muscat. The police do not always permit attorneys and family members to visit detainees. Judges occasionally intercede to ensure that security officials allow such visits.

The Government does not practice exile as a form of punishment. The 1996 Basic Charter prohibits exile; however, the provisions concerning exile have yet to be implemented.

e. *Denial of Fair Public Trial.*—The 1996 Basic Charter affirms the independence of the judiciary; however, the various courts are subordinate to the Sultan and subject to his influence. The Sultan appoints all judges, acts as a court of final appeal, and intercedes in cases of particular interest, especially in national security cases. However, there have been no reported instances in which the Sultan has overturned a decision of the magistrate courts or the commercial courts.

The judiciary comprises the magistrate courts, which adjudicate misdemeanors and criminal matters; the Shari'a (Islamic law) courts, which adjudicate personal status cases such as divorce and inheritance, and which are administered by the Ministry of Justice; the commercial courts; the Labor Welfare Board; and the Rent Dispute Committee, which hears tenant-landlord disputes.

The magistrate court system was established by royal decree in 1984 to take over all criminal cases from the Shari'a courts; it is independent and its president reports directly to the Sultan. Regional courts of first instance handle misdemeanor cases, which are heard by individual judges. All felonies are adjudicated at the Central Magistrate Court in Muscat by a criminal panel made up of the President of the Magistrate Court and two judges. All rulings of the felony panel are final except for those in which the defendant is sentenced to death. Death sentences must be approved by the Sultan.

The Criminal Appeals Panel also is presided over by the President of the Magistrate Court in Muscat, and includes the court's vice president and two judges. This panel hears appeals of rulings made by all courts of first instance. The role of public prosecutor in criminal cases is carried out by specially trained prosecutors from the Royal Oman Police (ROP), all of whom are trained as policemen as well as prosecutors. There are more than 40 ROP prosecutors assigned to ROP headquarters in Muscat.

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 legal provision for a public trial. Criminal procedures have developed by tradition and precedents in the magistrate courts. In criminal cases, the police provide defendants with the written charges against them; defendants are presumed innocent and have the right to present evidence and confront witnesses. The prosecution and the defense question witnesses through the judge, who is usually the only person to question witnesses in court. A detainee may hire an attorney but has no explicit right to be represented by counsel.

The Government does not pay for the legal representation of indigents. However, the 1996 Basic Charter affirms both right to counsel and government-funded legal representation for indigents. These provisions have yet to be implemented. Judges often pronounce the verdict and sentence within 1 day after the completion of a trial. Defendants may appeal jail sentences longer than 3 months and fines over the equivalent of $1,300 to a three-judge panel. Defendants accused of national security offenses and serious felonies do not have the right of appeal.

A State Security Court tries cases involving national security and criminal cases that the Government decides require expeditious or especially sensitive handling. Magistrate court judges have presided over trials in the State Security Court. Defendants tried by the Security Court are not permitted to have legal representation present. The timing and the location of the Court's proceedings are not disclosed publicly. The Court does not follow legal procedures as strictly as the magistrate courts, although prominent civilian jurists form the panel. The Sultan has exercised his powers of leniency, including in political cases.

The Shari'a courts are administered by the Ministry of Justice, and apply Shari'a law as interpreted under the Ibadhi school of Islamic jurisprudence. Preliminary courts of first instance are located in each of the 59 wilayats, and are 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 in Muscat. Panels of three judges hear appeals cases. Court of Appeal rulings themselves may be appealed, within a 1-month period, to the Supreme Committee for Complaints, which is composed of four members, including the Minister of Justice and the Grand Mufti of the Sultanate.

In May 1997, the Government promulgated into law the provisions of the 1996 Basic Charter pertaining to "family law," i.e., law that falls under the purview of the Shari'a courts. The effect of this new law has been to regularize the nature of the cases and the range of corresponding judgments within the Shari'a court system.

The Authority for the Settlement of Commercial Disputes (ASCD), better known as the commercial courts system, was established by royal decree in 1981 to decide all cases related to commercial matters. Subsequent decrees have empowered the commercial courts to decide labor disputes referred to it by government departments, commercial disputes to which the Government is a party, and arbitration cases involving private parties. The ASCD is financially and administratively independent of the Ministry of Justice and reports directly to the Minister of Commerce and Industry. The ASCD is made up of the Chairman, Deputy Chairman, a number of judges appointed by royal decree, and members of the Oman Chamber of Commerce and Industry. Cases are heard in regional courts for suits involving not more than $26,000 (10,000 rials).

In late November, 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 1996 Basic Charter. The decrees formally establish 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 to be divisions to handle commercial, civil, penal, labor, taxation, general, and personal cases (the latter under Shari'a). The general prosecutor, which currently falls under the Royal Omani Police Chief Inspector, is to become an independent legal entity. Implementation of these decrees is expected to take place during 2000.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The police are not required by law to obtain search warrants. There is a widespread belief that the Government eavesdrops on both oral and written communications, and citizens are guarded in both areas. Citizens must obtain permission from the Ministry of Interior to marry foreigners, except nationals of the Gulf Cooperation Council (GCC) countries. Such permission is not granted automatically. Delays or denial of permission have resulted in secret marriages within Oman. Marriages in foreign countries can lead to denial of entry into Oman of the foreign spouse and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The law prohibits criticism of the Sultan in any form or medium. The authorities tolerate criticism of government officials and agencies, but such criticism rarely receives media coverage. The announced 1996 Basic Charter provides for freedom of opinion expressed in words, writing, or all other media within the limits of the law; however, these provisions have yet to be implemented.

The 1984 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. However, journalists and writers generally censor themselves to avoid government harassment. Editorials generally are consistent with the Government's views, although the authorities tolerate some criticism on foreign affairs issues. The Government discourages in-depth reporting on controversial domestic issues and seeks to influence privately owned dailies and periodicals by subsidizing their operating costs.

In late 1997, the Government began to permit the entry onto the market of foreign newspapers and magazines containing reports or statements deemed critical of Oman, including articles critical of the Sultan. The lifting of the boycott against Israel in December 1994 eliminated prohibitions on publications from or about Israel that otherwise meet censorship standards. However, in August the Ministry of Information stopped distribution of a London-based Arabic-language magazine that contained an interview with a representative of the Israeli trade mission in Oman. Customs officials sometimes confiscate video cassette tapes and erase offensive material despite the fact that there are no published guidelines on what is viewed as locally "offensive." The tapes may or may not be returned to their owners.

Government censorship decisions are changed periodically without apparent reason. There is a general perception that the confiscation of books and tapes at the border from private individuals and restrictions on popular novels have eased somewhat. However, it reportedly has become more difficult to obtain permission to distribute in the local market books that censors decide have factual errors about Oman (including outdated maps).

The Government controls the local radio and television companies. They do not air any politically controversial material. The Government does not allow the establishment of privately owned radio and television companies. However, the availability of satellite dishes has made foreign broadcast information accessible to the public. The Government, through its national telecommunications company, provides full, uncensored Internet access to citizens and foreign residents.

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 avoid controversial issues due to fear that the authorities may cancel their events. Academic freedom is restricted, particularly regarding controversial matters, including politics. Professors may be dismissed for going beyond acceptable boundaries.

b. *Freedom of Peaceful Assembly and Association.*—The law does not ensure freedom of assembly. All public gatherings require government sponsorship. The authorities do not always enforce this requirement, and gatherings sometimes take place without formal government approval. For example, in May 1998 students at a nursing college protesting widespread food poisoning within the school attempted to march down Muscat's primary highway to the Ministry of Health; security forces intercepted and dispersed the students without serious injury. Regulations implemented in 1994 restricting most types of public gatherings remain in effect. The 1996 Basic Charter provides for limited freedom of assembly, but these provisions have not yet been implemented.

The law states that the Ministry of Social Affairs and Labor must approve the establishment of all associations and their bylaws. However, some groups are allowed to function without formal registration. The Government uses the power to license associations to control the political environment. It does not license groups regarded as a threat to the predominant social or political views of the Sultanate. Formal registration of foreign associations is limited to a maximum of one association for any nationality. The 1996 Basic Charter's provisions in this area—not yet in effect—regulate the formation of associations.

c. *Freedom of Religion.*—Islam is the state religion, which is affirmed by the 1996 Basic Charter. The 1996 Basic Charter provides that Shari'a is the basis for legislation and preserves the freedom to practice religious rites, in accordance with tradition, provided that such freedom does not breach public order. Discrimination against individuals on the basis of religion or sect is prohibited. Implementing decrees for the 1996 Basic Charter in this area have not yet been established.

Most citizens are Ibadhi or Sunni Muslims, but there is also a minority of Shi'a Muslims. Non-Muslims are free to worship at churches and temples built on land donated by the Sultan. There are many Christian denominations, which utilize two plots of donated land on which two Catholic and two Protestant churches have been built. Hindu temples also exist on government-provided land. Land has been made available to Catholic and Protestant missions in Sohar and Salalah.

The Government prohibits non-Muslims from proselytizing Muslims. It also prohibits non-Muslim groups from publishing religious material, although material printed abroad may be brought into the country. Members of all religions and sects are free to maintain links with coreligionists abroad and undertake foreign travel for religious purposes. In the past, due to government restrictions on public gatherings, there had been a curtailment of non-Muslim religious celebrations. There have been no reports of such curtailments in recent years.

The police monitor mosque sermons to ensure that the preachers do not discuss political topics and stay within the state-approved orthodoxy of Islam. The Government expects all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Awqaf and Religious Affairs.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government does 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 an Omani identity card (which also must be authorized by a male relative) may travel to certain Gulf Cooperation Council countries without a passport.

Until the promulgation of the Basic Charter, the Government did not have a policy on refugees or a tradition of harboring stateless or undocumented aliens. The 1996 Basic Charter prohibits the extradition of political refugees; however, this provision has not yet been implemented. The issue of the provision of first asylum did not arise during the year. Oman offered temporary refuge to several thousand Yemenis displaced by a civil war in 1994. They returned to Yemen after the war. Tight control over the entry of foreigners into the country effectively has screened out would-be refugees.

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

Oman is an autocracy in which the Sultan retains the ultimate authority on all important foreign and domestic issues. The country has no formal democratic political institutions, and its citizens do not have the ability peacefully to change their leaders or the political system.

The Sultan promulgated the country's first defacto written constitution, known as the Basic Charter, in November 1996. Although it has immediate force of law, most laws and regulations to implement its provisions have not yet been enacted; it is expected that this process may take until 2000 or beyond to be completed. The law does not provide for political parties or direct elections. Citizens have indirect access to senior officials through the traditional practice of petitioning their patrons, usually the local governor, or wali, for redress of grievances. Successful redress depends on the effectiveness of the patron's access to appropriate decisionmakers. The Sultan appoints the governors. The Sultan makes an annual 3-week tour of the country, accompanied by his ministers. The tour allows the Sultan to listen directly to his subjects' problems.

In 1991 Sultan Qaboos established a Consultative Council, or Majlis Ash-Shura. In 1994 he expanded the number of Council seats to 80 from the original 59, a move that allocated 2 members for districts with a higher population. Due to the population increase from 1994 to 1997, the number of seats was further expanded to 82 for the 1997 elections. The Government selects the Council members from several nominees, both male and female, who are elected by prominent persons in each district. In the October 1997 elections, over 50,000 Omani men and women, 3 percent of the total population, were eligible to nominate Council members in all districts throughout the country. These voters (or electors) had volunteered for the position, their police records were checked by the Government, and they were subject to government approval. If the Sultan decides not to appoint them, the nominees with the most votes do not win appointment to the Council. The Council has no formal legislative powers, which remain concentrated in the Sultan's hands. However, it serves as a conduit of information between the people and the government ministries. No serving government official is eligible to be a council member. The 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 December 1997, the Sultan announced the appointment of 41 persons to the new Majlis Al-Dawla (Council of State). The precise responsibilities of the Council of State and its relationship to the existing Consultative Council have yet to be clarified. The Council of State and the Consultative Council together form the Majlis Oman, or Council of Oman.

The Sultan publicly has advocated a greater role for women in both the public and private sectors. In the 1997 elections, the Government selected two women from among the nominees to serve on the Consultative Council. In December 1997, the Sultan appointed 4 women to the 41-member Majlis Al-Dawla. In 1999 the Sultan, for only the second time, appointed a woman to the Oman Chamber of Commerce and Industry (OCCI) board.

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

The Government prohibits the establishment of human rights groups. The existing restrictions on the freedom of speech and association do not permit any activity or speech critical of the Government. There were no known requests by international human rights organizations to visit.

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

The 1996 Basic Charter prohibits discrimination on the basis of sex, ethnic origin, race, religion, language, sect, place of residence, and social class. However, decrees to implement its provisions have not been promulgated. Institutional and cultural discrimination based on gender, race, religion, social status, and disability exists.

Women.—There is no evidence of a pattern of spousal abuse although observers say that allegations of such abuse in the Shari'a courts are not uncommon. Definitive information is scant and difficult to collect. Doctors do not have a legal responsibility to report either spouse or child abuse cases to the courts. Battered women may file a complaint with the police but more often seek family intervention to protect them from violent domestic situations. Likewise, families seek to intervene to keep such problems out of public view. There have been reports that employers or male coworkers have sexually harassed foreign women employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have complained that their employers have withheld their salaries and that government officials have been unresponsive to their grievances, due to investigative procedures that disadvantage the victim. Individuals known to be abusing domestic servants are not always brought to account for their actions. In the past, several foreign women have had to ask their governments' embassies for shelter to escape abuse.

Most women live within the confines of their homes. They continue to face many forms of discrimination. Illiteracy among older women hampers their ability to own property, participate in the modern sector of the economy, or even inform themselves of their rights. Government officials frequently deny women land grants or housing loans and prefer to conduct business with a woman's husband or other male relative. Women require permission from a male relative to leave the country (see Section 2.b.).

Some aspects of Islamic tradition also discriminate against women. Islamic law favors male heirs in adjudicating inheritance claims. Many women are reluctant to take an inheritance dispute to court for fear of alienating the family.

However, since 1970 conditions for women have improved dramatically in several areas. Whereas in 1970 no schools existed for girls, the most recent figures available from the Ministry of Education report an enrollment rate nearing 90 percent for all girls eligible for elementary school. In the 1997-98 school year, female students constituted approximately 50 percent of the total number of students attending public schools. Women constitute roughly half of the 5,000 students at Sultan Qaboos University. In November 600 women and 524 men received bachelor's degrees as members of the 10th graduating class, while 3 women and 14 men received master's degrees. The university has a quota system with the apparent goal of increasing the number of men studying certain specialties. Reportedly, women are being limited to 50 percent of the seats in the medical department. Restriction on women studying engineering and archeology were lifted in September 1998. The quota system is 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 are women; of these, 59 percent are citizens. In both the public and private sectors, women are entitled to maternity leave and equal pay for equal work. The government bureaucracy, the country's largest employer of women, observes such regulations, as do many private sector employers. Still, many educated women face job discrimination because prospective employers fear that they might resign to marry or raise families. Several female employees in the Government have complained that they have been denied promotion in favor of less capable men, although this varies by ministry. Unlike the case in previous years, when government grants for study abroad were limited almost exclusively to males, such grants are now awarded based on merit, and in 1999 were divided evenly between men and women.

Within the Government, women's affairs are the responsibility of the Ministry of Social Affairs, Labor, and Vocational Training. The Ministry provides support for women's affairs through support for and funding of the Oman Women's Association (OWA) and local community development centers (LCDC's). The OWA consists of 23 chapters with an active membership of 3,000 women. Typical OWA activities include sponsoring health or sociological lectures, kindergarten services, and handicraft training programs. The OWA also provides 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 LCDC's located throughout the country is to encourage women to improve the quality of life for their families and to improve their contributions to the community. LCDC activities focus on health and sociology lectures, child care issues, and agricultural and traditional handicraft training programs.

Children.—The Government has made the health, education, and general welfare of children a budgetary priority. Primary school education is free and universal but not compulsory. Most children attend school through secondary school, to age 18. No significant sectors or groups within the population are prevented from receiving

an education. The infant mortality rate continues to decline, and comprehensive immunization rates have risen. There is no pattern of familial or other child abuse. Government officials have publicly called for greater awareness and prevention of child abuse. A few communities in the interior and in the Dhofar region still practice female genital mutilation (FGM). FGM is condemned widely by international health experts as damaging to both physical and psychological health. Experts believe that the number of such cases is small and declining annually. Oman ratified the U.N. Convention on the Rights of the Child in 1996 with reservations relating to freedom of children to choose a religion and government spending limits.

People with Disabilities.—The Government has mandated parking spaces and some ramps for wheelchair access in private and government office buildings and shopping centers. Compliance is voluntary, yet widely observed. Students in wheelchairs have easy access to Sultan Qaboos University. The Government has established several rehabilitation centers for disabled children. Disabled persons, including the blind, work in government offices. While the Government now charges a small fee to citizens seeking government health care, the disabled generally are not charged for physical therapy and prosthetics support.

Religious Minorities.—Some members of the Shi'a Muslim minority claim that they face discrimination in employment and educational opportunities. However, some members of this same community occupy prominent positions in both the private and public sectors.

National/Racial/Ethnic Minorities.—Citizens of east African origin complain that they frequently face job discrimination in both the public and private sectors. Some public institutions reportedly favor hiring members of one or another regional, tribal, or religious group. However, no group is banned from employment.

Section 6. Worker Rights

a. *The Right of Association.*—The current law stipulates that "it is absolutely forbidden to provoke a strike for any reason." The Government has not yet promulgated a new labor law that was first drafted by the Ministry of Social Affairs and Labor in 1994. In the last quarter of 1996, the Consultative Council recommended some changes to the draft, but the Government has not yet issued the new law. Government officials have stated that the new labor law is to be consistent with international labor standards.

Labor unrest is rare. There have not been any known job actions within the last 6 years.

b. *The Right to Organize and Bargain Collectively.*—The current law does not provide for the right to collective bargaining. However, it requires 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 is uneven, and the effectiveness of these committees is questionable. In general the committees discuss such matters as the living conditions at company-provided housing. They are not authorized to discuss wages, hours, or conditions of employment. Such issues are specified in the work contracts signed individually by workers and employers and must be consistent with the guidelines of the Ministry of Social Affairs and Labor.

The current 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. Foreign workers constitute at least 50 percent of the work force and as much as 80 percent of the modern-sector work force.

Work rules must be approved by the Ministry of Social Affairs and Labor 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. Sometimes worker representatives file collective grievances, but most grievances are filed by individual workers. Lower paid workers use the procedure regularly. Plaintiffs and defendants in such cases may be represented by legal counsel.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The 1973 Labor Law prohibits forced or bonded labor by adults or children. Instances of forced or bonded child labor are unknown. Although the enabling laws have not yet been implemented, the 1996 Basic Charter affirms that forced or bonded labor for any person is prohibited. However, governmental investigative and enforcement mechanisms are lacking. Foreign workers sometimes find themselves in situations amounting to forced labor. In such cases, employers withhold letters of release (documents that release workers from employment contracts), which allow them to change employers. Without such

a letter, a foreign worker must continue to work for his current employer or become technically unemployed, which is sufficient grounds for deportation. Many foreign workers are not aware of their right to take such disputes before the Labor Welfare Board. Others are reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases, the Board releases the worker from service and awards compensation for time worked under compulsion. Employers face no other penalty than to reimburse the worker's back wages.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The 1973 Labor Law prohibits children under the age of 13 from working. The Ministry of Social Affairs and Labor enforces this prohibition. However, in practice the enforcement often does not extend to some small family businesses that employ underage children, particularly in the agricultural and fisheries sectors. 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 perform strenuous labor. Child labor does not exist in any industry. Although primary school education is not compulsory, most children attend school to age 18.

The law specifically prohibits forced or bonded labor by all persons (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The Ministry of Social Affairs and Labor issues minimum wage guidelines for various categories of workers. In July 1998, the Government raised the minimum wage for Omani workers to about $260 (100 rials) per month, plus $52 (20 rials) for transportation and housing. Minimum wage guidelines do not apply to a variety of occupational categories, including small businesses that employ 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 work in occupations that are exempt from the minimum wage law, and the Government is lax in enforcing minimum wage guidelines, where applicable, for foreign workers employed in menial jobs. However, highly skilled foreign workers frequently are paid more than their Omani counterparts.

The minimum wage is sufficient to provide a decent standard of living for a worker and family. The compensation for foreign manual laborers and clerks is sufficient to cover living expenses and to permit savings to be sent home.

The private sector workweek is 40 to 45 hours and includes 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 on hours of employment are not always enforced. Employees who have worked extra hours without compensation may file a complaint before the Labor Welfare Board, but the Board's rulings are 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.

All employers are required by law to provide first-aid facilities. Work sites with over 100 employees must have a nurse. Employees covered under the Labor Law may recover compensation for injury or illness sustained on the job through employer-provided medical insurance. The health and safety standard codes are enforced by inspectors from the Department of Health and Safety of the Directorate of Labor. As required by law, they make on-site inspections.

There have been reports that employers or male coworkers have sexually harassed foreign females employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have complained that their employers have withheld their salaries and that government officials have been unresponsive to their grievances, due to investigative procedures that disadvantage the victim. Individuals known to be abusing foreign domestic servants are not always held accountable for their actions. In the past, several foreign women have had to ask their governments' embassies for shelter to escape abuse.

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.

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

QATAR

Qatar, an Arab state on the Persian Gulf, is a monarchy with no constitution or political parties. Qatar 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 June 1995 with the support of leading branches of the Al-Thani family, and in consultation with other leading Qatari 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 March citizens were permitted to participate in the election of a national body, the Central Municipal Council, for the first time. The judiciary is nominally independent, but most judges hold their positions at the Government's pleasure.

The country has efficient police and security services. The civilian security force, controlled by the Interior Ministry, comprises two sections: The police and the General Administration of Public Security and the investigatory police (Mubahathat), which is responsible for sedition and espionage cases. The Interior Ministry has a special state security investigative unit (Mubahith) that performs internal security investigations and gathers intelligence. In addition, there is an independent civilian intelligence service (Mukhabarat).

The State owns most basic industries and services, but the retail and construction industries are in private hands. Oil is the principal natural resource, but the country's extensive natural gas resources are playing an increasingly important role. Rapid development in the 1970's and 1980's created an economy in which foreign workers, mostly South Asian and Arab, outnumber citizens by a ratio of 4 or 5 to 1. The Government has embarked upon a program of "Qatarization," which is aimed at reducing the number of foreign workers. Many government jobs are offered only to citizens and private sector businesses are encouraged to recruit citizens as well.

The Government restricts citizens' rights; however, there was substantial progress in a few areas. Citizens do not have the right to change their government; however, the Government's program of gradual democratic initiatives provided citizens with the opportunity to elect officials to the Central Municipal Council. Both male and female citizens were permitted to vote and to run for a seat on the Council. In addition a constitutional committee was convened in July to draft a permanent constitution that would provide for parliamentary elections. Arbitrary detention in security cases, and restrictions on the freedoms of speech, press, assembly, association, religion, and on workers' rights, continued to be problems. However, the Government continued to take some steps to ease restrictions on the practice of non-Muslim religions. Despite female suffrage, in practice women's rights are restricted by social customs. Noncitizen workers, who make up a majority of the residents of the country, face discrimination in the workplace.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—There have been no reported instances of torture for several years. The Government administers most corporal punishment prescribed by Islamic law but does not allow amputation.

Prison conditions generally meet minimum international standards.

The Government does not permit domestic human rights groups to exist, and no international human rights organization has asked to visit the country or its prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest; however, the police have the discretion to arrest persons based on a low level of suspicion, and arbitrary detention in security cases remains a problem. The authorities generally charge suspects within 48 hours. Suspects generally are presented to the Attorney General within 24 hours of arrest. The Attorney General decides whether to hold the suspect up to a maximum of 4 days, after which time the suspect is presented before the judge, who may order the suspect released or remanded to custody to await trial. The accused is entitled to legal representation throughout this process. Suspects who are detained in security cases generally are afforded access to

counsel; however, they may be detained indefinitely while under investigation. There were no known recent cases of incommunicado detention.

In June 1998, the Amir ordered the arrest of Abdulrahman Al-Nuaimi, a Ministry of Education official who distributed a letter to the press critical the Amir's decision to allow women to vote and run for office in the Municipal Council elections. Contrary to reports that he was released in 1998, Al-Nuaimi remains in custody.

The public trial of persons arrested for involvement in the February 1996 coup attempt continued. Sheikh Hamad Bin Jassim Bin Hamad Al-Thani, who was named as the prime suspect in the coup bid, was arrested under mysterious circumstances on or about July 23. He remains in custody following his appearance before the trial judge to answer charges of plotting to destabilize the regime and revealing military secrets to foreign powers. Prosecutors have called for the death penalty for all those accused, including Hamad Bin Jassim Bin Hammad. A verdict was expected in early December; however, the arrest of Hamad Bin Jassim Bin Hamad delayed proceedings into 2000.

Involuntary exile has occurred but is rare. There were no reported cases this year.

e. *Denial of Fair Public Trial.*—The judiciary is nominally independent; however, most judges are foreign nationals who hold residence permits granted by the civil authorities, and thus hold their positions at the Government's pleasure. The number of citizen judges is increasing.

The judiciary deals with the bureaucracies of three ministries. Civil (or Adlea) courts are subordinate to the Ministry of Justice, and Shari'a (Islamic law) courts fall under the Ministry of Endowments and Islamic Affairs. The prosecutors fall under the Ministry of Interior.

There are two types of courts: The civil courts, which have jurisdiction in civil and commercial matters, and the Shari'a Court, which has jurisdiction in family and criminal cases. There are no permanent state security courts; however, although there have been no cases before these courts since the Amir assumed power, they have not been abolished formally by law and remain an option. Defendants tried by all courts have the right to appeal. The original case and the appeal in Shari'a Court are no longer heard by the same judge, and procedural loopholes that permitted this practice in the past are to be closed as part of a pending judicial reform package.

The legal system is biased in favor of citizens and the Government. A Muslim litigant may request the Shari'a Court to assume jurisdiction in commercial or civil cases. Non-Muslims are not allowed to bring suits as plaintiffs in the Shari'a Court; however, they may file suit in the civil courts. This practice prevents non-Muslim residents from obtaining full legal recourse. Trials in the civil courts are public, but in the Shari'a Court only the disputing parties, their relatives, associates, and witnesses are allowed in the courtroom. Lawyers do not play a formal role except to prepare litigants for their cases. Although non-Arabic speakers are provided with interpreters, foreigners are disadvantaged, especially in cases involving the performance of contracts.

Defendants appear before a judge for a preliminary hearing within 7 days of their arrest. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations. Defendants in the civil courts have the right to be represented by defense attorneys but are not always permitted to be represented by counsel in the Shari'a court.

Shari'a trials are usually brief. Shari'a family law trials are often held without counsel. After both parties have stated their cases and examined witnesses, judges are likely to deliver a verdict after a short deliberation. Criminal cases are normally tried within 2 to 3 months after suspects are detained. Suspects are entitled to bail, except in some instances, such as in cases of violent crime. Bail may be provided by citizens or noncitizens. Foreigners who are charged with minor crimes may be released to a citizen sponsor. They are prohibited from departing the country until the case is resolved.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Traditional attitudes of respect for the sanctity of the home and the privacy of women provide a great deal of protection against arbitrary intrusion for most citizens and residents. A warrant must be obtained before police may search a residence or business, except in cases involving national security or emergencies. Search warrants are issued by judicial authorities. There were no reports of unauthorized searches of homes during the year. The police and security forces are believed to monitor the communications of suspected criminals, of those considered to be security risks, and of selected foreigners.

With prior permission, which is usually granted, citizens may marry foreigners of any nationality and apply for residence permits or citizenship for their spouses.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Although the Government reduced restrictions on freedom of speech and of the press in 1996 and permitted a significant expansion of press freedom, some restrictions still remain. The Government formally lifted censorship of the media in 1995, and since then the press has been essentially free of government interference. However, journalists continue to practice self-censorship, due to real or perceived social and political pressures. Some journalists reportedly were subjected to pressure by the Government during the year after they published articles critical of it. No instance of explicit criticism of any citizen, whether of their public or private affairs, has been noted in local newspapers. Television and radio are state-owned, but the privately owned satellite television channel Al-Jazeera operates freely.

There were no reports of instances of political censorship of foreign news media or broadcasts of foreign programs on local television over the past year. The Censorship Office in the Ministry of Information was abolished (together with the Ministry) in 1996, but censors still work at broadcast media under the overall supervision of the Ministry of Religious Endowments. Pornography and expressions deemed hostile to Islam are subject to censorship, but in practice censorship is applied irregularly.

In July radio and television call-in programs addressed the sensitive subject of cash entitlements paid to members of the ruling Al-Thani family. Citizens expressed disagreement with the system in public forums, with no evidence of subsequent reprisals. However, one person did write a letter of retraction to a local newspaper a few days after her comments.

A Ministry of Education official who wrote a letter critical of the Amir's decision to allow women to vote and run for office in the Municipal Council elections remains in custody (see Section 1.d.).

Customs officials screen imported print media, videocassettes, and other such items for pornography, but have stopped blocking the importation of non-Muslim religious items.

A growing number of citizens and residents have access to the Internet, which is provided through the state-owned telecommunications monopoly. Internet service is censored for pornographic content through a proxy server, which blocks those web sites containing certain key words and phrases. A user who believes that a site is censored mistakenly may submit the web address to the Internet service provider to have the site reviewed for suitability. The Government is responsive to these submissions.

Citizens enjoy broad freedom of speech, but are restricted by the social and family restraints of a very traditional society. There is no apparent fear of government monitoring of private speech. However, the larger foreign population does not believe it enjoys the same freedoms and acts accordingly.

There is no legal provision for academic freedom. Most instructors at the University of Qatar exercise self-censorship.

b. *Freedom of Peaceful Assembly and Association.*—The Government severely limits freedom of assembly. The Government does not allow political demonstrations.

The Government severely limits freedom of association. The Government does not allow political parties or membership in international professional organizations critical of the Government or of any other Arab government. Private social, sports, trade, professional, and cultural societies must be registered with the Government. Security forces monitor the activities of such groups.

c. *Freedom of Religion.*—The state religion is the conservative Hanbali school of the Sunni branch of Islam, as interpreted by Muhammad Ibn Abd Al-Wahab, an 18th century religious reformer who emphasized the strict observance of religious duties. The Government officially prohibits public worship by non-Muslims; however, it tolerates and protects private services conducted in private with prior notification to the authorities. The Government has indicated, through foreign diplomats and in meetings with Christian leaders, its long-range intention to identify and lease parcels of land to the recognized Catholic, Anglican, and Orthodox communities upon which they would be permitted to erect churches, albeit without bells or the external display of crosses. In the meantime, the Government has indicated its support for the lease of existing villas for use in worship services by such groups, provided that they obtain the Qatari landlord's approval. The community of the Church of Jesus Christ of Latter-Day Saints (Mormons) now meets in a villa leased for the express purpose of worship. The police provide traffic control for authorized Catholic services, which may be attended by up to 1,000 or more persons at times. The Government recently began to issue visas to Christian clergy under foreign embassy sponsorship. There are no restrictions on non-Muslims providing religious instruction to their children. However, non-Muslims may not proselytize and conver-

sion from Islam is theoretically a capital offense. However, there is no record of an execution for such a conversion since independence.

The Government allows Shi'a Muslims to practice their faith freely; however, community leaders have agreed to refrain from certain public practices such as self-flagellation.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There are no restrictions on internal travel, except around sensitive military and oil installations. In general, women do not require permission from male guardians to travel. However, men may prevent female relatives 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 it is not known to what extent this regulation is enforced. Citizens critical of the Government face restrictions on their right to travel abroad.

All citizens have the right to return. Foreigners are subject to immigration restrictions designed to control the size of the local labor pool. Foreign workers must have the permission of their sponsor (usually their employer) to enter and depart the country, but their dependents may leave the country without restriction. Foreign women who are married to citizens are granted residence permits and may apply for citizenship; however, they are expected to relinquish their foreign citizenship.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. Those attempting to enter illegally, including persons seeking asylum from nearby countries, are refused entry. Asylum seekers who are able to obtain local sponsorship or employment are allowed to enter and may remain as long as they are employed. A Bahraini Air Force pilot defected to Qatar in 1996, and the Government stated that he was free to stay, calling him a refugee and offering him its full protection.

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 blend the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. There are no political parties or organized opposition groups. However, in March citizens had the opportunity to choose officials to the Central Municipal Council in free and fair elections.

The Amir exercises most executive and legislative powers, including appointment of cabinet members. On March 8, citizens elected a 29-member Central Municipal Council. For the first time, men and women age 18 and older were permitted both to vote and to run as candidates. The Council is a nonpartisan body that addresses issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipalities and Agriculture. The Council cannot change policy on its own.

Under the amended Provisional Constitution, the Amir must be chosen from and by the adult males of the Al-Thani family.

In November 1998, the Amir announced his intention to form a constitutional committee to draft a permanent constitution that would provide for democratic parliamentary elections. The constitutional committee was inaugurated on July 13 and includes a number of government officials, academics, and prominent business leaders. The Amir reiterated in his remarks to the committee members that he expects their efforts to lead to the establishment of an elected parliamentary body.

Women have the right to vote and some ran as candidates for the Central Municipal Council, but none were elected.

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

The Government does not permit local human rights organizations to exist. No international human rights organizations are known to have asked to investigate conditions in the country. 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 during the year.

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

Institutional, cultural, and legal discrimination based on gender, race, religion, social status, and disability exists.

Women.—Violence against women and spousal abuse occur but are not believed to be widespread. Some foreign domestic servants, especially those from South Asia and the Philippines, have been mistreated by employers. According to Shari'a (Is-

lamic law), all forms of physical abuse are illegal. The maximum penalty for rape is death. The police actively investigate reports of violence against women. In the last few years, the Government demonstrated an increased willingness to arrest and punish offenders, whether citizens or foreigners. Offenders who are citizens usually receive lighter punishments than do foreigners. Abused domestic workers usually do 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 female by a male relative for alleged sexual misconduct; however, such honor killings are rare. In September a former minister, Ali Saeed Al-Khayareen, killed his two half-sisters for their alleged sexual misconduct. Al-Khayareen was being held at the Al-Rayyan detention center, but reportedly was released late in the year.

The activities of women are restricted closely both by law and tradition. For example, a woman is prohibited from applying for a driver's license unless she has permission from a male guardian. This restriction does not apply to noncitizen women. The Government adheres to Shari'a in matters of inheritance and child custody. While Muslim wives have the right to inherit from their husbands, non-Muslim wives do not, unless a special exception is arranged. In cases of divorce, Shari'a prevails; younger children remain with the mother and older children with the father. Both parents retain permanent rights of visitation. However, local authorities do not allow a noncitizen parent to take his or her child out of the country without permission of the citizen parent. There has been a steady increase in the number and severity of complaints of spousal abuse by the foreign wives of local and foreign men. Women may attend court proceedings but generally are represented by a male relative; however, women may represent themselves.

Women largely are relegated to the roles of mother and homemaker, but some women are now finding jobs in education, medicine, and the news media. Women appear to receive equal pay for equal work; however, they often do not receive equal allowances. These allowances generally cover transportation and housing costs. Increasingly, women are receiving government scholarships to pursue degrees at universities overseas. The Amir has entrusted his second wife, who is the mother of the Heir Apparent, with the high-profile task of establishing a university in Doha. In 1996 the Government appointed its first female undersecretary, in the Ministry of Education. Although women legally are able to travel abroad alone (see Section 2.d.), tradition and social pressures cause most to travel with male escorts. There also have been complaints that Qatari husbands take their foreign spouses' passports and, without prior approval, turn them in for Qatari citizenship documents. The husbands then inform their wives that the wives have lost their former citizenship. In other cases, foreign wives report being forbidden by their Qatari husbands or in-laws to visit or to contact foreign embassies.

There is no independent women's rights organization, nor has the Government permitted the establishment of one.

Children.—The Government demonstrates its commitment to children's rights through a well-funded, free public education system (elementary through university) and a complete medical protection program for Qatari children. However, children of most foreigners are denied free education and have only limited medical coverage.

Very young children, usually of African or South Asian background, have been used as jockeys in camel races. Little information is available on wages and working conditions for these children (see Sections 6.c. and 6.d.).

There is no societal pattern of abuse of children.

People with Disabilities.—The Government has not enacted legislation or otherwise mandated provision of accessibility for the disabled, who also face social discrimination. The Government maintains a hospital and schools that provide high-quality, free services to the mentally and physically disabled.

Religious Minorities.—Shi'a Muslims fill many positions in the bureaucracy and are prominent in business. However, they experience discrimination in employment in some sensitive areas, such as security.

National/Racial/Ethnic Minorities.—The Government discriminates against some citizens of non-Qatari origin. In the private sector, many citizens of Iranian origin occupy some of the highest positions. However, they rarely are found in senior decisionmaking positions in government.

Section 6. Worker Rights

a. *The Right of Association.*—The right of association is strictly limited, and all workers, including foreigners, are prohibited from forming labor unions. Despite this restriction, almost all workers have the right to strike after their case has been presented to the Labor Conciliation Board and ruled upon. Employers may close a place of work or dismiss employees once the Conciliation Board has heard the case. The

right to strike does not exist for government employees, domestic workers, or members of the employer's family. No worker in a public utility or health or security service may strike if such a strike would harm the public or lead to property damage. Strikes are rare.

The Labor Law provides for the establishment of joint consultative committees composed of representatives of the employer and workers. The committees do not discuss wages but may consider issues such as organization and productivity, conditions of employment, training of workers, and safety measures and their implementation.

Since 1995, Qatar 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 are prohibited from engaging in collective bargaining. In general wages are set unilaterally by employers without government involvement. Local courts handle disputes between workers and employers.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor. Three-quarters of the work force are foreign workers, who are dependent on a single employer for residency rights. This leaves them vulnerable to abuse. For instance, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withhold this consent to force foreign employees to work for longer periods than they wish. The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively; however, some very young children work as jockeys in camel races (see Sections 5 and 6.d.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Minors between the ages of 15 and 18 may be employed with the approval of their parents or guardians and some children may work in small, family-owned businesses. However, child labor is rare. Education is compulsory through the age of 15. Very young children, usually of African or South Asian background, are used as jockeys in camel races (see Sections 5 and 6.c. and 6.f.). Little information is available on wages and working conditions for these children. The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively (see Section 6.c.).

Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the Ministry of Labor with the names and occupations of their minor employees. The Ministry may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors. Employers also must obtain permission from the Ministry of Education to hire a minor.

e. *Acceptable Conditions of Work.*—There is no minimum wage, although a 1962 law gives the Amir authority to set one. The 48-hour workweek with a 24-hour rest period is prescribed by law, although most government offices follow a 36-hours-per-week work schedule. Employees who work more than 48 hours per week, or 36 hours per week during the Muslim month of Ramadan, are entitled to overtime pay. This law is adhered to in government offices and major private sector companies. It is not observed with respect to domestic and personal employees. Domestic servants frequently work 7 days per week, more than 12 hours per day, with few or no holidays, and have no effective way to redress grievances against their employers.

The Government has enacted regulations concerning worker safety and health, but enforcement, which is the responsibility of the Ministry of Energy and Industry, is lax. The Department of Public Safety oversees safety training and conditions, and the state-run petroleum company has its own set of safety standards and procedures. The Labor Law of 1964, as amended in 1984, lists 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.

Foreign workers must be sponsored by a citizen or a legally recognized organization to obtain an entry visa and must have their sponsor's permission to depart the country. Any worker may seek legal relief from onerous work conditions, but domestic workers generally accept their situations in order to avoid repatriation. The Government also penalizes Qatari employers who violate residence and sponsorship laws. Some foreign domestics have been mistreated by their employers (see Section 5).

f. *Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no confirmed reports that persons were trafficked in, to, or from the country during the year.

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. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons, who themselves have had preponderant influence in the choice. A 1992 royal decree reserves for the King exclusive power to name the Crown Prince. Crown Prince Abdullah has played an increasing role in governance since King Fahd suffered from 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 accepts the concept of separation of religion and state. The Government prohibits the establishment of political parties and suppresses opposition views. In 1992 King Fahd appointed a Consultative Council and similar provincial assemblies. The Consultative Council began holding sessions in 1993 and was expanded in 1997. The judiciary is generally independent but is subject to influence by the executive branch and members of the royal family.

Police and border forces under the Ministry of Interior are responsible for internal security. The Mutawaa'in, or religious police, constitute the Committee to Prevent Vice and Promote Virtue, a semiautonomous agency that enforces adherence to Islamic norms by monitoring public behavior. The Government maintains general control of the security forces. However, members of the security forces committed human rights abuses.

The oil industry has fueled the transformation of Saudi Arabia from a pastoral, agricultural, and commercial 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 revenues account for around 40 percent of the gross domestic product (GDP) and 75 percent of government income. Agriculture accounts for only about 9 percent of GDP. Government spending, including spending on the national airline, power, water, telephone, education, and health services, accounts for 24 percent of GDP. About 40 percent of the economy is nominally private, and the Government is promoting further privatization of the economy. In 1995 the Government began an aggressive campaign to increase the number of Saudi nationals represented in the public and private work forces. The campaign has restricted employment of some categories of foreign workers by limiting certain occupations to Saudis only, increasing fees for some types of work visas, and setting minimum wages for some job categories in order to increase the cost to employers of non-Saudi labor. In August 1998, the Government announced that Saudi citizens must constitute at least 5 percent of the work force in private sector companies by October 1998, an amount that, according to a 1995 ministerial decree, should be 15 percent. The Government's 1997 offer of a limited amnesty under which illegal residents could depart the country without penalty was followed up in 1998 and during the year by a crackdown on illegal workers and the Saudis who employ or house them.

The Government commits and tolerates serious human rights abuses. Citizens have neither the right nor the legal means to change their government. Security forces continued to abuse detainees and prisoners, arbitrarily arrest and detain persons, and facilitate incommunicado detention; in addition there were allegations that security forces committed torture. Prolonged detention without charge is a problem. Security forces committed such abuses, in contradiction to the law, but with the acquiescence of the Government. Mutawaa'in continued to intimidate, abuse, and detain citizens and foreigners. The Government infringes on citizens' privacy rights. The Government prohibits or restricts freedom of speech, the press, assembly, association, religion, and movement. Other continuing problems included discrimination and violence against women, discrimination against ethnic and religious minorities, and strict limitations on worker rights. The Government disagrees with internationally accepted definitions of human rights and views its interpretation of Islamic law as its sole source of guidance on human rights.

RESPECT FOR HUMAN RIGHTS

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

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

In November 1998, several Mutawaa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice).

Mutawaa'in attempts to cover up the killing were unsuccessful. The Government reportedly is investigating the incident; however, the Government does not make public the results of investigations involving its personnel (see Sections 2.c. and 5.).

The investigation of the 1996 Al-Khobar bombing, which killed 19 U.S. servicemen, continued. The Government has not yet issued a report of its findings.

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—There were credible reports that the authorities abused detainees, both citizens and foreigners. Ministry of Interior officials are responsible for most incidents of abuse, including beatings and sleep deprivation. In addition, there were allegations of torture. Although the Government has ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, it has refused to recognize the authority of the Committee Against Torture to investigate alleged abuses. In April 1998, the Government pledged to cooperate with U.N. human rights mechanisms. However, although the Government asks for details of reports of torture and other human rights abuses made by international human rights groups, it does not permit international observers to investigate them. The Government's general refusal to grant members of diplomatic missions access to the Ministry of Interior detention facilities, or allow members of international human rights groups into the country, hinders efforts to confirm or discount reports of abuses. The Government's past failure to criticize human rights abuses has contributed to the public perception that security forces can commit abuses with impunity.

According to Amnesty International, in April a 70-year-old journalist reportedly was beaten during interrogation after his return to the country from Bahrain (see Section 2.a.).

Although the number of reports of harassment by the Mutawaa'in remained relatively low in comparison with previous years, the Mutawaa'in continued to intimidate, abuse, and detain citizens and foreigners of both sexes (see Section l.d.).

The Government punishes criminals according to its interpretation of Islamic law, or Shari'a. Punishments include flogging, amputation, and execution by beheading, stoning, or firing squad. The authorities acknowledged 100 executions during the year, a substantial increase from 25 in 1998, but less than the 134 reported in 1997. Executions included 36 men for murder (29 Saudis and 7 foreigners), 40 men for narcotics-related offenses (2 Saudis and 38 foreigners), 3 men for gang-related activities (2 Saudis and 1 foreigner), 8 men for rape (7 Saudis and 1 foreigner), 10 men for armed robbery (7 Saudis and 3 foreigners), and 3 women for narcotics-related offenses (all foreigners). The men were executed by beheading and the women were executed by firing squad. There were no executions by stoning. In accordance with Shari'a, the authorities may punish repeated thievery by amputation of the right hand. There were two reports of multiple amputations (right hand, left leg) for the crime of highway robbery during the year. The amputations were carried out against two Saudi men. Persons convicted of less serious offenses, such as alcohol related offenses or being alone in the company of an unrelated person of the opposite sex, sometimes were punished by flogging with a cane.

Prison and jail conditions vary throughout the Kingdom. Prisons generally meet internationally accepted standards and provide air-conditioned cells, good nutrition, regular exercise, and careful patrolling by prison guards. However, some police station jails are overcrowded and unsanitary. Authorities generally allowed family members access to detainees.

Boards of Investigation and Public Prosecution, organized on a regional basis, were established by King Fahd in 1993. The members of these boards have the right to inspect prisons, review prisoners' files, and hear their complaints. However, the Government does not permit human rights monitors to visit prisons or jails. The Government does not allow impartial observers of any type access to specialized Ministry of Interior prisons, where it detains persons accused of political subversion.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) are 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 have surfaced in the past, the authorities have been responsive and willing to investigate allegations and reprimand offending guards. The camp receives a high level of material assistance and is comparatively comfortable and well run. However, the Government generally confines refugees to the camp except in the event of approved emigration.

d. *Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest; however, officers make arrests and detain persons without following explicit legal guidelines. There are few procedures to safeguard against abuse. There have been few cases of citizens successfully obtaining judicial redress for abuse of the Govern-

ment's power of arrest and detention. During the year, a citizen successfully sued a government official for wrongful imprisonment and was awarded compensation, while the government official was imprisoned.

In accordance with a 1983 Ministry of Interior regulation, authorities usually detain suspects for no longer than 3 days before charging them. However, serious exceptions have been reported. The regulation also has provisions for bail for less serious crimes. Also, authorities sometimes release detainees on the recognizance of a patron or sponsoring employer without the payment of bail. If they are not released, authorities typically detain 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 is no established procedure providing detainees the right to inform their family of their arrest.

The Mutawaa'in have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior. However, they sometimes exceeded this limit before delivering detainees to the police (see Section l.f.). Current procedures require a police officer to accompany the Mutawaa'in at the time of an arrest. Mutawaa'in generally complied with this requirement. During the year, in the more conservative Riyadh district, the number of reports received of Mutawaa'in accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards was the same as in 1998. The Jeddah district also received a similar number of reports as in the previous year.

In October the Government detained 13 Filipino Christians in connection with a large prayer service held by their congregation (see Section 2.c.).

Political detainees who are arrested by the General Directorate of Investigation (GDI), the Ministry of Interior's security service, commonly are held incommunicado in special prisons during the initial phase of an investigation, which may last weeks or months. The GDI allows 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). The authorities in June released Salman Al-Awdah and Safar Al-Hawali, Muslim clerics who were arrested in September 1994 for publicly criticizing the Government. Their detention that year sparked protest demonstrations that resulted in the arrest of 157 persons for antigovernment activities. All now have been released.

In January the Government released, under its annual Ramadan amnesty, over 7,000 prisoners and detainees, including over 3,000 foreigners convicted or held for minor offenses.

The total number of political detainees cannot be determined precisely, but it is estimated at less than 200 persons by international human rights organizations.

Since beginning the investigation of the 1996 bombing of a U.S. military facility in Saudi Arabia, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a Muslims suspected of fundamentalist tendencies or Iranian sympathies. The Government reportedly still holds in jail an unknown number of Shi'a arrested in the aftermath of the bombing. Government security forces reportedly arrest Shi'a on the smallest suspicion, hold them in custody for lengthy periods, and then release them without explanation (see Section 2.c.).

The Government did not use forced exile, and it did not revoke citizenship for political purposes during the year. However, it previously has revoked the citizenship of opponents of the Government who reside outside the country, such as Mohammed Al-Masari (see Section 3) and Osama Bin Ladin, a suspect in organizing terrorist activities, including the August 1998 bombings of the U.S. embassies in Kenya and Tanzania.

e. *Denial of Fair Public Trial.*—The independence of the judiciary is prescribed by law and usually is respected in practice; however, judges occasionally accede to the influence of the executive branch, particularly members of the royal family and their associates, who are not required to appear before the courts. Moreover, the Ministry of Justice exercises judicial, financial, and administrative control of the courts.

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. These courts base judgments largely on the Koran and on the Sunna, another Islamic text. Cases involving relatively small penalties are tried in Shari'a summary courts; more serious crimes are adjudicated in Shari'a courts of common pleas. Appeals from Shari'a courts are made to the courts of appeal.

Other civil proceedings, including those involving claims against the Government and enforcement of foreign judgments, are held before specialized administrative tri-

bunals, such as the Commission for the Settlement of Labor Disputes and the Board of Grievances.

The Government permits Shi'a Muslims to use their own legal tradition to adjudicate noncriminal cases within their community.

The military justice system has jurisdiction over uniformed personnel and civil servants who 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. Only the Supreme Judicial Council may discipline or remove a judge. The King appoints the members of the Council.

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.

Defendants usually appear without an attorney before a judge, who determines guilt or innocence in accordance with Shari'a standards. Defense lawyers may offer their clients advice before trial or may attend the trial as interpreters for those unfamiliar with Arabic. The courts do not provide foreign defendants with translators. Public defenders are not provided. Individuals may choose any person to represent them by a power of attorney filed with the court and the Ministry of Justice. Most trials are closed. However, in a highly publicized 1997 case involving two foreign women charged with murder, the Saudi court conducted preliminary matters and the trial with relatively open and transparent procedures, including more effective use of counsel, increased consular presence, and increased family access.

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. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge almost always are required for criminal conviction—a situation that repeatedly has led prosecuting authorities to coerce confessions from suspects by threats and abuse.

Sentencing is not uniform. Foreign residents sometimes receive harsher penalties than citizens. Under Shari'a, as interpreted and applied in Saudi Arabia, crimes against Muslims receive harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varies with the nationality, religion, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran. In a case that was known widely but was not reported in the press, a member of the royal family, who shot and killed two Mutawaa'in who had entered his property without permission in October 1998, was allowed to pay "blood money" to the family members of the Mutawaa'in instead of being charged with murder.

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, are not subject to the same rule of law as ordinary citizens (see Section 1.a.). For example, judges do not have the power to issue a warrant summoning any member of the royal family.

The King and his advisors review 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 murderer—usually in return for compensation from the family or the King.

There is insufficient information to determine the number of political prisoners. The Government does not provide information on such persons or respond to inquiries about them. Moreover, the Government conducts closed trials for persons who may be political prisoners and in other cases has detained persons incommunicado for long periods while under investigation.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Government infringes on these rights. The sanctity of family life and the inviolability of the home are among the most fundamental of Islamic precepts. Royal decrees announced in 1992 include provisions calling for the Government to defend the home from unlawful intrusions. Nonetheless, there are few protections from government interference with one's 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.

Customs officials routinely open 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 video tapes (see Section 2.c.). The authorities also open mail

and use informants and wiretaps in internal security and criminal matters. Security forces used wiretaps against foreigners suspected of alcohol-related offenses. Informants (know as "umdas") report "seditious ideas" or antigovernment activity in their neighborhoods to the Ministry of the Interior.

The Government enforces most social and Islamic religious norms, which are matters of law (see Section 5). Women may not marry non-Saudis without government permission; men must obtain approval from the Ministry of Interior to marry women from countries 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.

Mutawaa'in practices and incidents of abuse varied widely in different regions of the country, but were most numerous in the central Nejd region. In certain areas, both the Mutawaa'in and religious vigilantes acting on their own harassed, assaulted, battered, arrested, and detained citizens and foreigners (see Section 1.d.). The Government requires the Mutawaa'in to follow established procedures and to offer instruction in a polite manner; however, Mutawaa'in did not always comply with the requirements. The Government has not criticized publicly abuses by Mutawaa'in and religious vigilantes, but has sought to curtail these abuses.

Mutawaa'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. Mutawaa'in frequently reproached Saudi and foreign women for failure to observe strict dress codes, and arrested men and women found together who were not married or closely related.

Some professors believe that informers monitor comments made in university classrooms (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Government severely limits freedom of speech and the press. The authorities do not countenance criticism of Islam, the ruling family, or the Government. However, during the year, the authorities again allowed the press some freedom to criticize governmental bodies and social policies through editorial comments and cartoons. Persons whose criticisms align them with an organized political opposition are subject to arrest and detention until they confess to a crime or sign a statement promising not to resume such criticisms, which is tantamount to a confession.

The print media are privately owned but publicly subsidized. A 1982 media policy statement and a 1965 national security law prohibit the dissemination of criticism of the Government. The media policy statement urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage of Saudi Arabia. The Ministry of Information appoints, and may remove, the editors in chief. It also provides guidelines to newspapers on controversial issues. The Government owns the Saudi Press Agency (SPA), which expresses official government views.

Newspapers typically publish news on sensitive subjects, such as crime or terrorism, only after it has been released by the SPA or when it has been authorized by a senior government official. Two Saudi-owned, London-based dailies, Ash-Sharq Al-Awsat and Al-Hayat, are widely distributed and read in Saudi Arabia. Both newspapers tend to practice self-censorship in order to comply with government restrictions on sensitive issues. The authorities continue to censor stories about Saudi Arabia in the foreign press. Censors may remove or blacken the offending articles, glue pages together, or prevent certain issues of foreign publications from entering the market. However, the Ministry of Information continued to relax its blackout policy regarding politically sensitive news concerning Saudi Arabia reported in the international media, although press restrictions on reporting of domestic news remain very stringent. The Government's policy in this regard appears to be motivated in part by pragmatic considerations: Saudi access to outside sources of information, especially the Cable News Network (CNN) and other satellite television channels, is increasingly widespread.

According to Amnesty International, in April a 70-year-old journalist reportedly was beaten during interrogation after his return to the country from Bahrain (see Section 1.c.).

The Government tightly restricts the entry of foreign journalists into the Kingdom. The Government owns and operates the television and radio companies. Government censors remove any reference to politics, religions other than Islam, pork or pigs, alcohol, and sex from foreign programs and songs.

There are well over 1 million satellite receiving dishes in the country, which provide citizens with foreign broadcasts. The legal status of these devices is ambiguous. The Government ordered a halt to their importation in 1992 at the request of reli-

gious leaders who objected to foreign programming being made available on satellite channels. In 1994 the Government banned the sale, installation, and maintenance of dishes and supporting devices, but the number of dishes continues to increase and residents legally may subscribe to satellite decoding services that require a dish.

The Government bans all books, magazines, and other materials that it considers sexual or pornographic in nature. The Ministry of Information compiles and updates a list of publications that are prohibited from being sold in the country. Access to the Internet is available through Saudi servers or through servers in other Gulf countries. The Government attempts to block all web sites that it deems sexual, pornographic, or otherwise offensive or un-Islamic. However, such web sites are accessible readily from within the country.

The Government censors all forms of public artistic expression and prohibits cinemas and public musical or theatrical performances, except those that are considered folkloric.

Academic freedom is restricted. The authorities prohibit the study of evolution, Freud, Marx, Western music, and Western philosophy. Some professors believe that informers monitor their classroom comments and report to government and religious authorities.

b. *Freedom of Peaceful Assembly and Association.*—The Government strictly limits freedom of assembly. It prohibits public demonstrations as a means of political expression. Public meetings are segregated by sex. Unless meetings are sponsored by diplomatic missions or approved by the appropriate governor, foreign residents who seek to hold unsegregated meetings risk arrest and deportation. The authorities monitor any large gathering of persons, especially of women. The Mutawaa'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 implement the policy in an arbitrary manner. On many occasions during the year, authorities actively prohibited women from entering diplomatic chanceries or residences to attend cultural events and lectures. However, in May for the second year in a row, authorities allowed unescorted Saudi women to attend a women-only cultural event hosted at a diplomatic mission.

The Government strictly limits freedom of association. It prohibits the establishment of political parties or any type of opposition group (see Section 3). By its power to license associations, the Government ensures that groups conform to public policy.

c. *Freedom of Religion.*—Freedom of religion does not exist. Islam is the official religion, and all citizens must be Muslims. The Government prohibits the public practice of other religions. Private non-Muslim worship is permitted.

Conversion by a Muslim to another religion is considered apostasy. Public apostasy is a crime under Shari'a and punishable by death.

Islamic practice generally is limited to that of the Wahhabi order, which adheres to the Hanbali school of the Sunni branch of Islam as interpreted by Muhammad Ibn Al-Wahab, an 18th century religious reformer. Practices contrary to this interpretation, such as visits to the tombs of renowned Muslims, are discouraged.

The Ministry of Islamic Affairs directly supervises, and is a major source of funds for, the construction and maintenance of almost all mosques in the country. The Ministry pays the salaries of imams (prayer leaders) and others who work in the mosques. A governmental committee is responsible for defining the qualifications of imams. The Mutawaa'in receive their funding from the Government, and the general president of the Mutawaa'in holds the rank of cabinet minister. During the year, 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 claims that its actions were part of its Saudiization plan to replace foreign workers with citizens.

The Shi'a Muslim minority (roughly 500,000 of nearly 14 million citizens) lives mostly in the eastern province. Its members are the objects of officially sanctioned political and economic discrimination (see Section 5). However, the Government for the first time appointed a Shi'a ambassador. Prior to 1990, the Government prohibited Shi'a public processions during the Islamic month of Muharram and restricted other processions and congregations to designated areas in the major Shi'a cities. Since 1990 the authorities have permitted marches on the Shi'a holiday of Ashura, provided that the marchers do not display banners or engage in self-flagellation. Ashura commemorations took place during the year, again without incident, as in the previous year. The Government seldom permits 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 November 1998 several Mutawaa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice). Mutawaa'in attempts to cover up the killing were unsuccessful. The Government reportedly is investigating the incident; however, the Government does not make public the results of investigations involving its personnel (see Sections 1.a. and 5).

The Government reportedly still holds in jail an unknown number of Shi'a who were arrested in the aftermath of the Al-Khobar bombing. Government security forces reportedly arrest Shi'a on the smallest suspicion, hold them in custody for lengthy periods, and then release them without explanation (see Section 1.d.).

The Government does not permit public non-Muslim religious activities. Non-Muslim worshippers risk arrest, lashing, and deportation for engaging in overt religious activity that attracts official attention. In 1997 for the first time, a senior Saudi leader stated publicly that the Government does not "prevent" private non-Muslim religious worship in the home. Such private non-Muslim worship occurs on a wide scale through the country, including on the premises of several embassies. Other high level Saudi authorities have stated that the Government's policy allows for private non-Muslim worship and that the Government does not sanction investigation or harassment of such private worship services. However, on October 8, the Mutawaa'in detained 13 Filipino Christians after raiding their worship services because of reports that two congregations recently had held a prayer service for 1,000 persons. The detained Christians all were released by October 31, and were given 4 to 6 weeks to prepare for deportation. They all were deported by year's end. The Government ascribes some harassment of private worship services to individuals and organizations acting on their own authority and in contradiction of government policy. Representatives of many Christian denominations present in the country report that the Government is not interfering with their private worship services.

Proselytizing is illegal. There were two cases during the year in which the police detained foreign Christian activists. In May the Mutawaa'in raided the apartment of a Filipino Christian pastor and detained him for proselytizing. He was released and deported in July. Another Filipino was arrested for proselytizing in July and deported in August.

Persons wearing religious symbols of any kind in public risk confrontation with the Mutawaa'in. This general prohibition against religious symbols also applies to Muslims. A Christian wearing a crucifix or a Muslim wearing a Koranic necklace in public would be admonished.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government restricts the travel of Saudi women, who must obtain written permission from their closest male relative before the authorities allow them to board domestic public transportation or to travel abroad (see Section 5). In November the Ministry of Interior announced that preparations are underway to issue identity cards to women, which presumably will allow them to establish independent legal identities from men, a prerequisite to securing greater rights in many areas, including travel; however, no action was taken on the matter by year's end. Males may travel anywhere within the country or abroad.

Foreigners typically are allowed to reside or work in Saudi Arabia only under the sponsorship of a Saudi national or business. The Government requires foreign residents to carry identification cards. It does not permit foreigners to travel outside the city of their employment or change their workplace without their sponsor's permission. Foreign residents who travel within the country may be asked by the authorities to show that they possess letters of permission from their employer or sponsor.

Sponsors generally retain possession of foreign workers' passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors are 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 use 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 Section 5).

The Government seizes the passports of all potential suspects and witnesses in criminal cases and suspends the issuance of exit visas to them until the case is tried or otherwise concluded. As a result, some foreign nationals are forced to remain in the country for lengthy periods against their will. The authorities sometimes confiscate the passports of suspected oppositionists and their families. The Government actively discourages Shi'a travel to Iran to visit pilgrimage sites. The Government still punishes Shi'a who travel to Iran without permission from the Ministry of the Interior, or those suspected of such travel, by confiscating passports for up to 2 years (see Section 5).

Citizens may emigrate, but the law prohibits dual citizenship. Apart from marriage to a Saudi national, there are no provisions for foreign residents to acquire citizenship. However, foreigners are granted citizenship in rare cases, generally through the advocacy of an influential patron.

The 1992 Basic Law provides that "the state will grant political asylum if the public interest mitigates" in favor of it. The language does not specify clear rules for adjudicating asylum cases. In general, the authorities regard refugees and displaced persons like other 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 Saudi Arabia at the end of the Gulf War, none has been granted permanent asylum in the country; however, the Government has underwritten the entire cost of providing safe haven to the Iraqi refugees, and continues to provide excellent 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 6,000 remaining refugees are restricted to the Rafha refugee camp. The UNHCR has monitored over 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 where their safety would be jeopardized if they were deported to their home countries.

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 formal democratic institutions, and only a few citizens have a voice in the choice of leaders or in changing the political system. The King rules 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 serves as Deputy Prime Minister. The King appoints all other ministers, who in turn appoint 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 the King expanded the council to 90 members. There is one Shi'a on the Council. The Council engages in debates that, while closed to the view of the general public, provide advice and views occasionally contrary to the Government's proposed policy or recommended course of action. The Government usually incorporates the Majlis' advice into its final policy announcements or tries to convince the council why the Government's policy is correct.

The Council of Senior Islamic Scholars is another advisory body to the King and the Cabinet. It reviews the Government's public policies for compliance with Shari'a. The Government views 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 is 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 air 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 has become more restricted. Since the assassination of King Faisal in 1975, Saudi kings have reduced the frequency of their personal contacts with the public. Ministers and district governors more readily grant audiences at a majlis.

Typical topics raised in a majlis are 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 are raised. Complaints about royal abuses of power are not entertained. In general, journalists, academics, and businessmen believe that institutionalized avenues of domestic criticism of the regime are closed. Feedback is filtered through private personal channels and has affected various policy issues, including the Middle East peace process, unemployment of young Saudi men, and the construction of new infrastructure.

The Committee for the Defense of Legitimate Rights (CDLR), an opposition group, was established in 1993. The Government acted almost immediately to repress it. In 1994 one of its founding members, Mohammed Al-Masari, fled to the United Kingdom, where he sought political asylum and established an overseas branch of the CDLR. In 1996 internal divisions within the CDLR led to the creation of the

rival Islamic Reform Movement (IRM), headed by Sa'ad Al-Faqih. Al-Masari expressed the CDLR's "understanding" of two fatal terrorist bombings of U.S. military facilities in 1995 and 1996 and sympathy for the perpetrators. The IRM implicitly condoned the two terrorist attacks as well, arguing that they were a natural outgrowth of a political system that does not tolerate peaceful dissent. Both groups continue to criticize the Government, using computers and facsimile transmissions to send newsletters back to Saudi Arabia.

Women play no formal role in government and politics and are actively discouraged from doing so. Participation by women in a majlis is restricted, although some women seek redress through female members of the royal family.

One of the 90 members of the Majlis Ash-Shura is Shi'a.

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

There are no publicly active human rights groups, and the Government has made it clear that none critical of government policies would be permitted. Both Amnesty International and Human Rights Watch reported that they received no responses to their requests for information or access to the country.

The Government does not permit visits by international human rights groups or independent monitors. The Government disagrees with internationally accepted definitions of human rights and views its interpretation of Islamic law as the only necessary guide to protect human rights. The Government generally ignores, or condemns as attacks on Islam, citations of Saudi human rights abuses by international monitors or foreign governments. However, in April 1998, the Government provided a 51-page treatise on the functioning of its legal system to the U.N. Commission on Human Rights and pledged cooperation with U.N. human rights mechanisms. Early in the year, the Government set up a human rights office within the International Office Department of the Ministry of Foreign Affairs, to attempt to monitor conditions within the country.

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

There is legal and systemic discrimination based on sex and religion. The law forbids discrimination based on race, but not nationality. The Government and private organizations cooperate in providing services for the disabled. The Shi'a religious minority suffers social, legal, and sectarian discrimination.

Women.—The Government does 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 appear to be common problems. Hospital workers report that many women are admitted for treatment of injuries that apparently result from spousal violence. Some foreign women have suffered physical abuse from their Saudi husbands. A Saudi man can prevent his wife and any child or unmarried adult daughter from obtaining an exit visa to depart Saudi Arabia (see Section 2.d.). There were reports during the year that young Saudi men intimidated and sexually harassed women in public in Jeddah.

Foreign embassies continued to receive many reports that employers abuse foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintain safehouses to which their citizens may flee to escape work situations that include forced confinement, withholding of food, beating and other physical abuse, and rape. Often the reported abuse is at the hands of female Saudis. In general, the Government considers such cases family matters and does not intervene unless charges of abuse are brought to its attention. It is almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women's own fears of reprisals. Few employers have been punished for such abuses. There are 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 are no active women's rights groups. Women, including foreigners, 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 risk arrest by the Mutawaa'in for riding in a vehicle driven by a male who is not an employee or a close male relative. Women are 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.). However, in November the Ministry of Interior

announced that preparations are underway to issue identity cards to women. Issuance of the cards presumably will allow women to establish independent legal identities from men, a prerequisite to securing greater rights in many areas, including travel, financial transactions, business registrations, publishing, employment, and, eventually, driving. However, no action on the matter had been taken by year's end.

In public a woman is expected to wear an abaya, a black garment that covers the entire body, and also to cover her head and face. The Mutawaa'in generally expect women from Arab countries, Asia, and Africa to comply more fully with Saudi 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. During the year, Mutawaa'in continued to admonish and harass women to wear their abayas and cover their hair.

Some government officials and ministries still bar accredited female diplomats in Saudi Arabia from official meetings and diplomatic functions.

Women also are subject to discrimination under Shari'a as interpreted in Saudi Arabia, which stipulates that daughters receive half the inheritance awarded to their brothers. 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 participate in Al-Mesyar (or "short daytime visit") marriages, where the women relinquish their legal rights to financial support and nighttime cohabitation. Additionally, the husband is not required to inform his other wives of the marriage, and any children resulting from such a marriage have no inheritance rights. The Government places greater restrictions on women than on men regarding marriage to non-Saudis and non-Muslims (see Section 1.f.). 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.

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men are 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 are 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 have access to free but segregated education through the university level. They constitute over 58 percent of all university students but are 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 make up approximately 5 percent of the formal work force and own about 4 percent of the businesses, although they must deputize a male relative to represent the business. Most employment opportunities for women are in education and health care, with lesser opportunity in business, philanthropy, banking, retail sales, and the media. Many foreign women work as domestic servants and nurses. In 1997 the Government authorized women to work in a limited capacity in the hotel industry. Women who wish to enter nontraditional fields are subject to discrimination. Women may not accept jobs in rural areas if they are required to live apart from their families. Most workplaces where women are present are segregated by sex. Contact with male supervisors or clients is allowed by telephone or facsimile machine. In 1995 the Ministry of Commerce announced that women would no longer 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 oil industry, women and men work together, and in some instances, women supervise male employees.

Children.—The Government provides all children with free education and medical care. Children are not subject to the strict social segregation faced by women, although they are segregated by sex in schools starting at the age of 7. In more general social situations, boys are segregated at the age of 12 and girls at the onset of puberty.

It is difficult to gauge the prevalence of child abuse, since the Government currently keeps no national statistics on such cases. One major hospital has begun a program to detect, report, and prevent child abuse. In general, Saudi culture greatly

prizes children and initial studies show that severe abuse and neglect of children appears to be rare.

Trafficking in children for forced begging persists (see Sections 6.c. and 6.f.).

People With Disabilities.—The provision of government social services increasingly has brought the disabled into the public mainstream. The media carry features lauding the accomplishments of disabled persons and sharply criticizing parents who neglect disabled children. The Government and private charitable organizations cooperate in education, employment, and other services for the disabled. The law provides hiring quotas for the disabled. There is no legislation that mandates public accessibility; however, newer commercial buildings often include such access.

Foreign criminal rings reportedly bought and imported disabled children for the purpose of forced begging (see Sections 6.c. and 6.f.).

Religious Minorities.—Shi'a citizens are discriminated against in government and employment, especially in national security jobs. Several years ago the Government subjected Shi'a to employment restrictions in the oil industry and has not relaxed them. Since the 1979 Iranian revolution, 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 Muslims, including Shi'a returning to Saudi Arabia following travel to Iran (see Sections 1.d. and 2.d.).

In November 1998, several Mutawaa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice). The Government reportedly is investigating the incident; however, the Government does not make public the results of investigations involving its personnel (see Sections 1.a. and 2.c.).

Under Saudi law, children of Saudi fathers are considered Muslim, regardless of the country or the religious tradition in which they may have been raised. In some cases, children raised in other countries and in other religious traditions later taken by their Saudi fathers to Saudi Arabia were reportedly coerced to conform to Islamic norms and practices.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there is substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia are 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 are set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties receive varied compensation based on their nationalities (see Section 6.b.).

Section 6. Worker Rights

a. *The Right of Association.*—Government decrees prohibit the establishment of labor unions and any strike activity.

In 1995 Saudi Arabia was 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.*—Collective bargaining is forbidden. Foreign workers comprise about two-thirds of the work force. There is no minimum wage; wages are set by employers and vary according to the type of work performed and the nationality of the worker (see Section 5).

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Government prohibits forced or compulsory labor pursuant to a 1962 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 have significant control over the movements of foreign employees, which gives rise to situations that sometimes involve forced labor, especially in remote areas where workers are unable to leave their place of work.

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 unpaid salary (see section 2.d.). In another pressure tactic, some sponsors refused to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor.

The labor laws do not protect domestic servants. There were credible reports that female domestic servants sometimes were forced to work 12 to 16 hours per day, 7 days per week. There were numerous confirmed reports of runaway maids (see Section 5). The authorities often returned runaway maids to their employers against the maids' wishes.

There have been many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. Non-domestic workers with such grievances have the right to complain before the labor courts, but few do so because of fear of deportation. The labor system is conducive to the exploitation of foreign workers because enforcement of work contracts is 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 does not occur (see Section 6.d.). In 1997 the Government actively sought to eradicate forced child begging. Criminal rings consisting almost exclusively of foreigners bought and imported South Asian 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 of age, 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 farmers, herdsmen, and domestic servants. The law does not prohibit specifically forced or bonded labor by children, but it is not a problem, with the rare exception of forced child begging rings, and possibly family businesses (see Section 6.c.).

Children under the age of 18 and women 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 play a minimal role in the work force.

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 has not formulated legislation implementing the ILO Convention on Equal Pay and that regulations that segregate work places by sex, or limit vocational programs for women, violate ILO Convention 111.

Some foreign nationals who have been recruited abroad have complained that after their arrival in Saudi Arabia 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 report that at the end of their contract service, their employers refuse 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.). Some female domestic servants often were subjected to abuse (see Sections 5 and 6.c.).

Saudiization is the Government's attempt to decrease the number of foreigners working in certain occupations and to replace them with Saudi workers. To accomplish this goal, the Government has taken several long-term steps, most notably limiting employment in certain fields to citizens, prohibiting renewal of existing contracts, and requiring that 5 percent of the work force in private sector companies be filled by citizen workers. The Government also requires firms to increase the proportion of citizen workers by 5 per cent each year. There is a limited number of persons, both influential and otherwise, who attempted to circumvent the requirements of the law. For example, employers have altered job descriptions or hired foreigners for nominally low-level positions but in fact had them fill positions reserved for citizens. Influential persons effectively may circumvent the law because the Ministry of Labor is simply unwilling to confront them.

The ongoing campaign to remove illegal immigrants from the country has done little to Saudiize the economy because illegal immigrants largely work in low-income positions, which most Saudis consider unsuitable. However, the campaign did improve overall working conditions for legally employed immigrants in low-income positions. The Government is carrying out the campaign by widely publicizing its enforcement of existing laws against illegal immigrants and Saudis employing or sponsoring illegal immigrants. In addition to deportation for illegal workers and jail terms and fines for Saudis hiring illegal workers, the Government announced in

1998 that houses rented to illegal aliens would be ordered closed. In 1997 the Government offered an amnesty of several months duration, which allowed illegal immigrants and their employers or sponsors to avoid the possibility of prosecution by voluntarily seeking expeditious repatriation. As of September, as many as 1.1 million persons departed the country under terms of the amnesty or were deported for violating residence and labor laws in the past 3 years. During this process, the Government bowed to domestic pressure and granted grace periods and exemptions to certain categories of illegal immigrants (such as servants, drivers, and shepherds), thereby allowing many illegal immigrants to legalize their status without leaving the country. 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 are willing to accept lower salaries and fewer benefits than legally employed immigrants. Their departure or legalization 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 persons most vulnerable to abuse and exploitation because of their illegal status.

Labor regulations require employers to protect most workers from job-related hazards and disease. Foreign nationals report frequent failures to enforce health and safety standards. Farmers, herdsmen, domestic servants, and workers in family operated businesses are not covered by these regulations. Workers risk losing employment if they remove themselves from hazardous work conditions.

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.

According to reports, criminal rings consisting almost exclusively of foreigners bought and imported South Asian children, including disabled children. Ring organizers systematically forced the children to beg in the streets and then confiscated all money that the children gained. During the year, the authorities arrested some ring organizers and returned at least 76 children to their own countries.

Early in the year, the Moroccan press reported that a Moroccan woman who had been recruited to be a domestic servant in Saudi Arabia, escaped a prostitution ring there and informed police, which led to the arrest of her Moroccan handlers, an extended family group numbering about 40 persons. This same group of Moroccans had been involved in organizing similar such activities throughout the Persian Gulf region.

SYRIA

Despite the existence of some institutions of democratic government, the political system places virtually absolute authority in the hands of President Hafiz Al-Asad. Al-Asad's election to a fifth 7-year term was confirmed by a March national referendum, in which he received 99.9 percent of the vote. Key decisions regarding foreign policy, national security, internal politics, and the economy are made by President Asad with counsel from his ministers, high-ranking members of the ruling Ba'th Party, and a relatively small circle of security advisers. Although the Parliament is elected every 4 years, the Ba'th Party is ensured a majority. The Parliament does not initiate laws, but only passes judgment on and sometimes modifies those proposed by the executive branch. The judiciary is constitutionally independent, but this is not the case in the exceptional (state of emergency) security courts, which are subject to political influence. The regular courts display independence, although political connections and bribery can influence verdicts. In general all three branches of government are influenced to varying degrees by leaders of the Ba'th Party, whose primacy in state institutions is mandated by the Constitution.

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. 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 operate independently of each other and outside the legal system. Their members commit serious human rights abuses.

The economy is based on commerce, agriculture, oil production, and government services. There is a generally inefficient public sector, a private sector, and a mixed

public/private sector. A complex bureaucracy, the still dominant state role in the economy, overarching security concerns, endemic corruption, currency restrictions, lack of modern financial services and communications, and a weak legal system hamper economic growth. The Government has sought to promote the private sector through investment incentives, exchange rate consolidation, and deregulation, especially with regard to financial transactions governing imports and exports. Syria posted a gross domestic product (GDP) growth rate of negative 4.4 percent in 1997 due to a slowdown in agricultural output and reduced revenues from oil exports. This negative trend continued in 1998, with a GDP decrease of 1.2 percent. It was estimated that this trend continued during the year. A high population growth rate of 3.3 percent continues to erode whatever economic gains are made. Real annual per capita GDP in 1998 was approximately $800, down from $837 in 1997. However, the Government has been very successful in controlling the money supply, with inflation remaining in the 2 percent range in 1998. Wage increases in the public sector have not kept pace with cost of living increases. Salaries were last raised in 1994 and average only about $100 per month. Consequently, the gap between rich and poor continues to widen, with many public sector workers relying on second jobs to make ends meet.

The human rights situation remained poor, and the Government continues to restrict or deny fundamental rights, although there was continued marginal improvement in a few areas. The Ba'th Party dominates the political system, as provided for by the Constitution, and citizens do not have the right to change their government. The Government uses its vast powers so effectively that there is no organized political opposition, and there have been very few antiregime manifestations. Serious abuses include reports of extrajudicial killings; the widespread 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 suffers from corruption and, at times, political influence; infringement on citizens' privacy rights; denial of freedom of speech and of the press, despite a slight loosening of censorship restrictions; denial of freedom of assembly and association; some limits on freedom of religion; and limits on freedom of movement. The Government does not allow independent domestic human rights groups to exist. Violence and societal discrimination against women are problems. The Government discriminates against the stateless Kurdish minority, suppresses worker rights, and child labor occurs. A prisoner amnesty announced in July is believed also to have benefited some political detainees, including Jordanian citizens.

RESPECT FOR HUMAN RIGHTS

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

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

On October 20, government forces moved against a residential compound and boat dock owned by President Asad's brother, Rif'at Al-Asad. A number of Rif'at's supporters, including military guards, were sequestered in the compound, and the clash resulted in an unconfirmed number of deaths, including government forces. The Government reportedly claimed that the clash was the consequence of enforcing "legal measures" that were taken against Rif'at and his supporters because of "violations of civil and military laws."

There were reports of the corporal punishment of army recruits that led to injury or death.

Three policemen were convicted in 1998 and sentenced to 10 years at hard labor by the Aleppo criminal court for the torture and killing of a 50-year-old man accused of heroin dealing, marking the first time since 1994 that members of the security forces were held accountable for their actions.

There were no reports of deaths in detention; however, such deaths have occurred in the past. Previous deaths in detention have not been investigated by the Government, and the number and identities of prisoners who died in prisons since the 1980's remains unknown.

In 1998 Lebanon's military prosecutor charged 18 members of the Lebanese Forces, an outlawed rightwing Christian militia, with carrying out the December 1996 bombing of a bus in Damascus, which killed at least 20 persons and wounded dozens of others. Eleven of the 18 persons charged were in custody. There were no further developments in the case during the year.

b. *Disappearance.*—There were no confirmed reports of politically motivated disappearances. 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 no more is known other than the approximate date of their detention, including Palestinians and Jordanian and Lebanese citizens reportedly abducted from Lebanon during and after Lebanon's civil war (see Section 1.d.).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Despite the existence of constitutional prohibitions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture. Former prisoners and detainees report that torture methods include electrical shocks; pulling out fingernails; the insertion of objects into the rectum; beatings, sometimes while the victim is suspended from the ceiling; hyperextension of the spine; and the use of a chair that bends backwards to asphyxiate the victim or fracture the spine. Although torture may occur in prisons, torture is most likely while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are trying to extract a confession or information about an alleged crime or alleged accomplices.

The Government continues to deny the use of 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 beat 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 do not order medical examinations for defendants who claim that they were tortured (see Section 1.e.). There are credible reports of military corruption and mismanagement. There were reports of the corporal punishment of army recruits that led to injury or death.

Prison conditions vary but generally are poor and do not meet minimum international standards for health and sanitation. Facilities for political or national security prisoners generally are worse than those for common criminals. The prison in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. At some prisons, authorities allow visitation rights, but in other cases, security officials demand bribes from family members who wish to visit incarcerated relatives. Overcrowding and the denial of sufficient nourishment occurs at several prisons. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

The Government does not permit independent monitoring of prison or detention center conditions.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are 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. Nonetheless, in cases involving political or national security offenses, arrests generally are carried out in secret, and suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination for the pretrial detention. Some of these practices are prohibited by the state of emergency, but the authorities are not held to these strictures.

The Government apparently continues to detain relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (see Section 1.f.).

Defendants in civil and criminal trials have the right to bail hearings and the possible release from detention on their own recognizance. There is no bail option for those accused of national security offenses. Unlike defendants in regular criminal and civil cases, security detainees do not have access to lawyers prior to or during questioning.

Detainees have no legal redress for false arrest. Security forces often do not provide detainees' families with information on 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. It appears that the number of such disappearances has declined in recent years, although this circumstance may be due to the Government's success in deterring opposition political activity rather than a loosening of the criteria for detention. Many detainees brought to trial have been held incommunicado for years, and their trials often have been unfair (see Section 1.e.).

Pretrial detention may be lengthy even in cases not involving political or national security offenses. The criminal justice system is backlogged. Many criminal suspects are 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 also Section 1.e.).

Some Turkomen from among hundreds detained in 1996 still may remain in detention.

There were reports of large-scale arrests of Syrians and Palestinian Islamists in late December. Hundreds of persons allegedly were arrested in the cities of Damascus, Hama, Aleppo, and Homs. Most of those arrested reportedly were released after signing an agreement not to participate in political activities, but some may remain in detention.

A prisoner amnesty announced in July is believed to have benefited some political prisoners and detainees. While the number of those released is unknown, Amnesty International (AI) identified six prisoners held for political reasons who were released. Unconfirmed reports suggest that as many as 600 prisoners may have been released. According to AI, hundreds of persons held for political reasons also were released in 1998. Prior to the 1998 and 1999 releases, the last significant release of political detainees took place in late 1995. Most of those arrested in a mass crackdown in 1980 have been released, but some apparently remain in prolonged detention without charge. Some union and professional association officials detained in 1980 are believed to remain in detention (see Sections 2.b. and 6.a.). AI reported in 1998 that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over two decades ago, and remain in prolonged and often secret detention."

The number of remaining political detainees is unknown. 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 whether detainees subsequently are sentenced to prison (see Section 1.e.).

In October 1998, the Jordanian Government asked the Syrian Government to account for 429 named Jordanian nationals, 239 of whom Jordan claims have been missing since they entered Syria, and 190 of whom Jordan claims are Syrian prisoners. Families of missing Jordanians allege that there are more than 700 Jordanians in Syrian detention. The press reported that government sources stated that the names provided by Jordan were being examined and that the Government would respond officially. To date there has been no published official response.

The Government has exiled citizens in the past, although the practice is prohibited by the Constitution. 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 alleged security cases are not independent of executive branch control. The regular court system displays considerable independence in civil cases, although political connections and bribery sometimes influence verdicts.

The judicial system is composed of the civil and criminal courts, military courts, the security courts, and the religious courts, which adjudicate matters of personal status such as divorce and inheritance. The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court is empowered to rule only 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 are entitled to the legal representation of their choice; the courts appoint lawyers for indigents. Defendants are 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 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. The venue for a civilian defendant is decided by a military prosecutor. There were continuing reports that the Government operates military field courts in locations outside established courtrooms. Such courts reportedly observe fewer of the formal procedures of regular military courts.

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 tries cases involving financial crimes. Both courts operate under the state of emergency, not ordinary law, and do not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC are often vague. Many defendants appear 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 revolu-

tion," 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, when the prosecutor presents evidence. Trials usually are closed to the public. Lawyers are not ensured access to their clients before the trial and are excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submit written defense pleas rather than oral presentations. The State's case often is based on confessions, and defendants have not been allowed to argue in court that their confessions were coerced. There is 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 does not provide any statistics on 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 sentences. The President also may intervene in the review process.

Accurate information on the number of cases heard by the SSSC is difficult to obtain, although in recent years hundreds of cases are believed to have passed 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. The Government permitted delegates from AI to attend a session of the SSSC in 1997 (see Section 4), but there have been no visits by human rights nongovernmental organizations (NGO's) since 1997.

The Economic Security Court (ESC) holds trials for alleged violations of foreign-exchange laws and other economic crimes. The prosecution of economic crimes is not uniform since some government officials or business persons with close connections to the Government likely have violated the country's strict economic laws without prosecution. Like the SSSC, the ESC does not ensure due process for defendants. Defendants may not have adequate access to lawyers to prepare their defenses, and the State's case usually is based on confessions. Verdicts likely are influenced by high-ranking government officials. 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. A significant prisoner amnesty for individuals convicted of economic crimes was announced in July. Theoretically, this amnesty may have benefited thousands of people.

A prisoner amnesty in July is believed to have benefited some political prisoners and detainees. While the number of those released is unknown, AI identified six political prisoners who were released, and there have been unconfirmed reports that the number may be as high as 600. According to AI, hundreds of persons held for political reasons also were released in 1998 (see Section 1.d.). The last major releases of political prisoners and detainees took place in late 1995, with approximately 2,200 to 3,000 persons believed to have been released. Some former prisoners reported being required to sign loyalty oaths or admissions of guilt as a condition of their release.

The Government has released virtually all of those arrested at the time President Asad took power in 1970. However, at least two persons arrested during that period may remain in prison, despite the expiration of one of the prisoners' sentences.

The Government denies that it holds political prisoners, arguing that, although the aims of some prisoners may be political, their activities, including subversion, were criminal. However, the Emergency Law and the Penal Code are so vague, and the Government's power so broad, that many persons were convicted and are in prison for the mere expression of political opposition to the Government.

The current number of political prisoners is unknown.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Although laws provide for freedom from arbitrary interference, the Emergency Law authorizes the security services to enter homes and conduct searches with warrants if security matters, very broadly defined, are involved. The security services selectively monitor telephone conversations and facsimile transmissions. The Government opens mail destined for both citizens and foreign residents. It also prevents the delivery of human rights materials. In August authorities repealed a 5-year ban on entry of Jordanian newspapers (also see Section 2.a.).

The Government apparently has continued its practice of threatening or detaining the relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (see Section 1.d.).

Security checkpoints continue to exist, although primarily in military and other restricted areas. There are 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 take place without warrants. The Government and the Ba'th Party have monitored and tried 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 citizens with the right to express opinions freely in speech and in writing; however, the Government restricts these rights significantly in practice. The Government strictly controls dissemination of information and permits no written or individual criticism of the President, the President's family, the Ba'th Party, the military, or the legitimacy of the regime. The Government also does not permit sectarian issues to be raised. Detention and beatings for individual expressions of opinion that violate these unwritten rules occur frequently.

The Emergency Law allows the Government broad discretion in determining what constitutes illegal expression. It prohibits the publishing of "false information," which opposes "the goals of the revolution" (see Section 1.e.). In the past, the Government has imprisoned journalists for failing to observe press restrictions. In 1997 two journalists from a government newspaper allegedly were dismissed after publishing an article that was viewed as insulting to the Prophet Muhammad. In May a defamation case filed against a journalist was reported widely in the press. This case was believed to be the first case in which a journalist was tried for what he had published; he was cleared of guilt by the court. State security services are known to threaten local journalists, including with removal of credentials, for articles printed outside the country.

The Ministry of Information and the Ministry of Culture and National Guidance censor the domestic and foreign press. They usually prevent publication or distribution of any material deemed threatening or embarrassing to the security services or high levels of the Government. Censorship is usually stricter for materials in Arabic. Commonly censored subjects include: 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 sex; material unfavorable to the Arab cause in the Middle East conflict; and material that is offensive to any of the country's religious groups. In addition most journalists and writers practice self-censorship to avoid provoking a negative government reaction.

Recent trends toward a modest relaxation of censorship continued. The media demonstrated somewhat wider latitude in 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 buttress official views. The government-controlled press continued to publish articles critical of official corruption and governmental inefficiency. In August authorities repealed a 5-year ban on entry of Jordanian newspapers (also see Section 1.f.).

The Government or the Ba'th Party owns and operates the radio and television companies and the newspaper publishing houses. There are no privately owned newspapers, although foreign-owned, foreign-published newspapers circulate relatively freely. The Ministry of Information scripts the radio and television news programs to ensure adherence to the government line. The Government does not interfere with broadcasts from abroad. Satellite dishes have proliferated throughout all regions and among neighborhoods of all social and economic categories. Internet access and access to e-mail is limited, although preparations are underway to provide greater Internet access, starting with foreign embassies and businesses. However, in mid-year, telephone service at the offices and residences of several European embassies was cut briefly, allegedly because these lines had been used to access Internet providers outside the country. Telephone service was restored in response to a diplomatic protest by the European embassies to the Government.

The Ministry of Culture and National Guidance censors fiction and nonfiction works, including films. It also determines which films may not be shown at the cultural centers operated by foreign embassies.

The Government restricts academic freedom. Public school teachers are not permitted to express ideas contrary to government policy, although authorities allow somewhat greater freedom of expression at the university level.

b. *Freedom of Peaceful Assembly and Association.*—Freedom of assembly does not exist. Citizens may not hold meetings unless they obtain permission from the Ministry of Interior. Most public demonstrations are organized by the Government or the Ba'th Party. The Government applies the restrictions on public assembly in Palestinian refugee camps, where controlled demonstrations have been allowed.

In December 1998, the Government organized a student march against U.S. and British air strikes against Iraq. The march became violent and significant damage was done to diplomatic property.

The Government restricts freedom of association. Private associations must be registered with the Government in order to be considered legal. Some groups have not been able to register, presumably because the Government views them as political, even though the groups presented themselves as cultural or professional associations. Unregistered groups may not hold meetings, and the authorities do not allow the establishment of independent political parties. The Government usually grants registration to groups not engaged in political or other activities deemed sensitive.

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. Some persons detained in 1980 crackdowns on union and professional association officials may remain in detention (see Sections 1.d. and 6.a.).

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The only advantage given to a particular religion by the Constitution is that which requires the President to be a Muslim. All religions and religious groups must register with the Government, which monitors fund raising and requires permits for all meetings by religious groups, except for worship. Recognized religious groups receive free utilities and are exempt from real estate taxes and taxes on official vehicles. Although the law does not prohibit proselytizing, the Government discourages such activity in practice, particularly aggressive proselytizing when such activity is deemed a threat to the generally good relations among religious groups. Foreign missionary groups are present but operate discreetly. The Government banned Jehovah's Witnesses as a politically motivated Zionist organization in 1964. Although Jehovah's Witnesses have continued to practice their faith privately, the Government arrested several Jehovah's Witnesses as they gathered for religious meetings in 1997. The few remaining Jews generally are barred from government employment and do not have military service obligations. Jews are the only minority group whose passports and identity cards note their religion.

Officially all schools are government-run and nonsectarian, although some schools are run in practice by Christian 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 and Christian students. Jews have a separate primary school, which offers religious instruction in Judaism, in addition to traditional subjects. 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."

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government limits freedom of movement. The Government restricts travel near the Golan Heights. Travel to Israel is illegal. On November 13, the Government eased many of its travel restrictions, which made it easier for most citizens to travel abroad. Exit visas generally no longer are required for women, men over 50 years old, and Syrian expatriates. In the past, 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 travel abroad illegally, 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 may file a request with the Ministry of Interior to prohibit his wife's departure from the country. The Government's use of police checkpoints has been reduced (see Section 1.f.).

As of June 30, 374,521 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 was the case in the past. The Government restricts entry by Palestinians who are not resident in Syria. The Government does not allow the Palestinian residents of Gaza to visit Syria.

There are no laws with provisions for dealing with refugees and asylees in accordance with the provisions of 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 U.N. 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; approximately 3,260 persons sought asylum through the UNHCR during the first 8 months of the year. Although the Government denied any forced repatriation of those who may have had a valid

claim to refugee status, in 1998 it apparently forcibly repatriated Iraqi, Somali, Algerian, and Libyan refugees. As of August 31, there were an estimated 21,319 non-Palestinian refugees in the country, of whom about 3,962 were receiving assistance from the UNHCR, including 2,503 refugees of Iraqi origin.

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

Although citizens ostensibly vote for the President and Members of Parliament, they do not have the right to change their government. The President has run for election unopposed since taking power in 1970. Political opposition to his rule is not tolerated. The President and his senior aides, particularly those in the military and security services, ultimately make all basic decisions on political and economic life, with no element 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 also are permitted 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 participation for citizens. While created ostensibly 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 hew closely to Ba'th Party and government policies.

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. Since 1990 the Government has allowed independent non-NPF candidates to run for a limited allotment of seats in the 250-member People's Council. The current number of non-NPF deputies is 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.

Persons who have been 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 a passport, and a bar on accepting a government job and some other forms of employment. The duration of such restrictions may last from 10 years to the remainder of the former prisoner's life. The Government contends that this practice is mandated by the Penal Code and has been in effect since 1949.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see Section 5), participate in the political system without restriction. Nonetheless, women are underrepresented in Government. There are 2 female cabinet ministers and 26 female Members of Parliament.

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

The Government does not allow the existence of local human rights groups. One or two human rights groups once operated legally but subsequently were banned by the Government.

Amnesty International visited the country for 2 weeks in 1997, the second major visit by an international human rights organization (after a Human Rights Watch visit in 1995). AI delegates met with the Ministers of Foreign Affairs, Interior, Justice, Information, and Culture; judges from the SSSC as well as the court's prosecutor and several lawyers; and the secretaries general of the Arab Writers Union and Arab Inter-Parliamentary Union. These were the first such meetings held by government officials with an international human rights organization. There were no further such meetings or visits in 1998 or 1999.

As a matter of policy, the Government in its exchanges with international groups denies that it commits human rights abuses. It has not permitted representatives of international organizations to visit prisons. The Government states that it now responds in writing to all inquires from NGO's regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee established expressly for that purpose. Human Rights Watch reported in 1997 that the Government had not responded to its request to account publicly for the possibly thousands of citizens who were executed at Tadmur prison in the 1980's. The Government usually responds to queries from human rights organizations and foreign embassies on specific cases by claiming that the prisoner in question has violated national security laws.

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

The Constitution provides for equal rights and equal opportunity for all citizens. In practice membership in the Ba'th Party or close familial relations with a prominent party member or government official can be important for economic, social, or educational advancement. Party or government connections can pave 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, are reserved solely for Ba'th Party members. Apart from some discrimination against Kurds, there are no apparent patterns of systematic government discrimination based on race, sex, religion, disability, language, or social status. However, there are varying degrees of societal discrimination in each of these areas.

Women.—Violence against women occurs, but there are no reliable statistics for domestic violence or sexual assault. The vast majority of cases go unreported, and victims generally are reluctant to seek assistance from nonfamily members. There are no laws against spousal rape. One preliminary academic study suggested that domestic violence is the largest single reason for divorces, and that such abuse is more prevalent among the less-educated. It appears to occur more in rural than in urban areas. 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 no specifically designated shelters or safe havens for battered women who seek to flee their husbands.

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 and "honor" crimes for a woman is twice as severe as for the same crime committed by a man.

For Muslims, personal status law on divorce is based on Shari'a (Islamic law) and discriminates 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 is based on Shari'a. Accordingly, 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. For example a brother who inherits an unmarried sister's share from their parents' estate is obligated to provide for the sister's well-being. If the brother fails to do so, she has the right to sue.

Christians and other religious groups are subject to their respective religious laws on marriage, divorce, and inheritance.

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 participate actively in public life and are represented in most professions, as well as in the military. Women are not impeded from owning or managing land or other real property. Women constitute approximately 6 percent of judges, 10 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children.—There is no legal discrimination between boys and girls in school or in health care. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, about 46 percent of the total number of students through the secondary level are female.

Nevertheless, societal pressure for early marriage and childbearing interfere with girls' educational progress, particularly in rural areas, where dropout rates for female students remain high.

The law stresses the need to protect children, and the Government has organized seminars on the subject of child welfare. 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.

People with Disabilities.—The law prohibits discrimination against the disabled and seeks to integrate them into the public sector work force. However, implementation is spotty. Regulations reserving 2 percent of government and public sector jobs for the disabled are not implemented rigorously. The disabled do not have recourse to the courts regarding discrimination. No laws mandate access to public buildings for the disabled.

Religious Minorities.—Although there is a significant amount of religious tolerance, religion or ethnic affiliation can be a contributing factor in determining career opportunities. 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. Nevertheless, government policy officially disavows sectarianism.

There is little evidence of societal discrimination or violence against religious minorities, including Jews.

National/Racial/Ethnic Minorities.—The Government generally permits national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority is a significant exception to this policy. Although the Government contends that there is no discrimination against the Kurdish population, it has placed limits on the use and teaching of the Kurdish language, Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. 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 Asad Government stopped the practice of stripping Kurds in Syria of their Syrian nationality (some 120,000 persons lost Syrian nationality under this program in the 1960's), it never restored this nationality. As a result, those who had their nationality taken away, and their children, have been unable to obtain Syrian nationality and passports, or even identification cards and birth certificates. Without Syrian nationality, these stateless Kurds, who according to UNHCR estimates number about 200,000 persons, are unable to own land, cannot be employed by the Government, and have no right to vote. They also encounter difficulties in enrolling their children in school. Stateless Kurdish men may not marry Syrian citizens legally.

Section 6. Worker Rights

a. *The Right of Association.*—Although the Constitution provides for this right, workers are 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 actually a part of the State's bureaucratic structure. The GFTU is an information channel between political decisionmakers and workers. The GFTU transmits instructions downward to the unions and workers but also conveys information to decisionmakers about worker conditions and needs. The GFTU provides the Government with opinions 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.

The law does not prohibit strikes, except in the agricultural sector. Nevertheless, workers are inhibited from striking because of previous government crackdowns on strikers. In 1980 the security forces arrested many union and professional association officials who planned a national strike. Some of those are believed to remain in detention or have been tried by the State Security Court (see Sections 1.d. and 2.b.).

The GFTU is affiliated with the International Confederation of Arab Trade Unions.

In 1992 Syria's eligibility for tariff preferences under the U.S. Generalized System of Preferences was suspended because the Government failed to take steps 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 are part of the bargaining process in the public sector. In state-owned companies, union representatives negotiate hours, wages, and conditions of employment with representatives of the employers and the supervising ministry. Workers serve on the boards of directors of public enterprises.

The law provides for collective bargaining in the private sector, but any such agreement between labor and management must be ratified by the Minister of Labor and Social Affairs, who has effective veto power. The Committee of Experts

of the International Labor Organization (ILO) has long noted the Government's refusal to abolish the Minister's power over collective contracts.

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 this seldom is exercised. Arbitration usually occurs when a worker initiates a dispute over wages or severance pay.

Since the unions are part of the Government's bureaucratic structure, they are protected by law from antiunion discrimination. There were no reports of antiunion discrimination.

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 Compulsory Labor.*—There is no law prohibiting forced or compulsory labor, including that performed by children. There were no reports of forced labor involving children, or foreign or domestic workers. Forced labor has been imposed as a punishment for some convicts.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The 1959 Labor Law protects children from exploitation in the workplace. Independent information and audits on government enforcement are not available. Although it is not prohibited by law, there were no reports of coerced or bonded labor (see Section 6.c.) due to the relative ease with which a work permit may be obtained. The minimum age for employment is 15 in the public sector and 12 in the private sector. In all cases, parental permission is required for children under the age of 16. The law prohibits children from working at night. However, all these laws apply only to children who work for a salary. Those who work in family businesses who are not technically paid a salary—a common phenomenon—do not fall under the law. The Government claims that the expansion of the private sector has led to more young children working. Education is compulsory for all children, male or female, between the ages of 6 and 12.

The Ministry of Labor and Social Affairs monitors 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 majority of children under age 16 who are working do so for their parents in the agricultural sector without remuneration. The ILO report found that 10.5 percent of children under the age of 18 participate in the labor force, amounting to 4.7 percent of the total work force. Working hours for youths of legal age to work do not differ from those established for adults. 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 also is prohibited. The Labor Inspection Department performs unannounced spot checks of employers on a daily basis to enforce these regulations; however, the scope of these checks is unknown.

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. The minimum wage is $42 (2,115 Syrian pounds) per month in the public sector, plus other compensation (for example, meals, uniforms, and transportation). The private sector minimum wage is $39 (1,940 Syrian pounds) per month in urban areas and $36 (l,790 Syrian pounds) in the countryside. A committee of labor, management, and government representatives submits recommended changes in the minimum wage to the Minister. The minimum wage has not been adjusted since 1994 and does not provide a decent standard of living for a worker and family. As a result, many workers take additional jobs or are supported by their extended families.

The statutory workweek is 6 days of 6 hours each, but 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 to appeal before 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 where the employer is not found at fault. The law does not protect temporary work-

ers 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 standards 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 on safety rights and regulations. Large companies, such as oil field contractors, also employ safety engineers.

The ILO noted in August 1998 that a provision in the Labor Code that allows 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 inspect work sites for compliance with health and safety standards. Such inspections appear to be haphazard, apart from those conducted in hotels and other facilities that cater to foreigners. Rural enforcement of labor laws is also more lax than that 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.

f. *Trafficking in Persons.*—There are no laws that specifically prohibit trafficking in persons. Standard labor laws would be applied in the event of allegations of trafficking. There were no reports that persons were trafficked in, to, or from the country.

TUNISIA

Tunisia is a 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 October 24 legislative and presidential elections. July revisions to the Constitution allowed two opposition candidates to run against Ben Ali in the presidential elections, the first multicandidate presidential race in Tunisia's history. Electoral Code changes also reserved approximately 20 percent of representation in the Chamber of Deputies for opposition parties (34 of 182 seats), up from approximately 12 percent (19 of 163 seats) in the previous Chamber, which was elected in 1994. The President appoints the Prime Minister, the Cabinet, and the 23 governors. The executive branch and the President strongly influence the judiciary, particularly in sensitive political cases.

The police share responsibility for internal security with a paramilitary national guard. The police operate in the capital and a few other cities. In outlying areas, their policing duties are shared with, or ceded to, the national guard. Both forces are under the control of the Minister of Interior and the President. The security forces continued to be responsible for serious human rights abuses.

Tunisia has made substantial progress towards establishing an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. The per capita gross national product for 1999 was approximately $2,600 while real per capita income grew by 4.5 percent. Over 60 percent of citizens are in the middle class and enjoy a comfortable standard of living. The Government reported that only 6.2 percent of citizens fell below the poverty line, and over 80 percent of households owned their own homes. The country has a high level of literacy, low population growth rates, and wide distribution of basic health care. The Government devotes over 60 percent of the budget to social and development goals.

The Government's human rights performance was uneven, and it continued to commit serious abuses. There are significant limitations on citizens' right to change their government. The ruling RCD Party is firmly intertwined with government institutions throughout the country, making it extremely difficult for opposition parties to compete on a level playing field; however, there was limited progress toward greater pluralism. The October presidential and legislative elections marked a modest step toward democratic development, with opposition presidential candidates allowed to run for the first time, and opposition parties generally freer to campaign; however, while observers agree that the outcome of the elections generally reflected the will of the electorate, the campaign and election processes greatly favored the ruling party and there was wide disregard for the secrecy of the vote, in which Ben Ali won 99.44 percent of the ballots cast for President.

Members of the security forces tortured and physically abused prisoners and detainees. The Government asserts that police officials who commit abuses are disciplined, but there have been no documented cases in which security officials were

disciplined for such abuse. Prison conditions range from Spartan to poor. Security forces arbitrarily arrest and detain persons. Lengthy pretrial detention and incommunicado detention are problems. The Government lowered the maximum incommunicado detention period from 10 to 6 days and required authorities to notify family members at the time of arrest; most defense lawyers claim that it is too soon to determine whether the new provisions are being enforced. On September 22, Tunisian Human Rights League (LTDH) vice president Khemais Ksila, who was imprisoned in 1998, received an early parole. The judiciary is subject to executive branch control, lengthy delays in trials are a problem, and due process rights are not always observed; however, the Government expanded the right of appeal and established a commission to oversee the proper administration of sentences. On November 15, the Government announced amnesty, parole, and reduced sentences for 4,000 prisoners, 600 of whom reportedly were political prisoners, including Islamists. The Government infringed on citizens' privacy rights, including by intercepting mail and interfering with Internet communication. Security forces also monitored the activities of government critics and at times harassed them, their relatives, and associates.

The Government continued to impose significant restrictions on freedom of speech and of the press, and journalists practice self-censorship. The Government demonstrated a pattern of intolerance of public criticism, using criminal investigations, judicial proceedings, and travel controls (including denial of passports) to discourage criticism and limit the activities of human rights activists. The Government continued to use the mandatory prescreening of publications and control of advertising revenue as a means to discourage newspapers and magazines from publishing material that it considered undesirable. The Government regularly seized editions of foreign newspapers containing articles that it considered objectionable. However, the Government improved access to the Internet and continued to broadcast a monthly public affairs program that permitted citizens to debate issues with government officials. The Government restricts freedom of assembly and association. The Government limits partially the religious freedom of members of the Baha'i faith. The Government does not permit proselytizing. The Government continued to restrict the freedom of movement of government critics and their family members. The Government subjected members of the LTDH and other human rights activists to harassment, interrogation, property loss or damage, and denial of passports. After an 18-month suspension, the Government renewed contact with the LTDH, but refused to approve the registration of a new human rights nongovernmental organization (NGO), the National Council for Liberties (CNLT) and initiated judicial proceedings against CNLT members. The Government permitted observers from several international human rights groups to attend trials of human rights activists. In November the Government created, within the Prime Minister's office, a new Minister of Human Rights, Communication, and Relations with the Chamber of Deputies. Violence against women occurs. The Government continued to demonstrate its strong support for the rights of women and children; however, legal discrimination against women continued to exist in certain areas, such as property and inheritance law, which is governed by Shari'a (Islamic law), and societal discrimination exists in areas such as private sector employment. The Government took strong measures to reduce official discrimination, including adding equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, it did not extend such measures to the private sector.

RESPECT FOR HUMAN RIGHTS

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

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

According to a prison report by human rights activist Khemais Ksila that was published by Amnesty International (AI), Tahar Jelassi died on July 24 as a result of torture by prison guards for refusing to take off his clothes during a routine search at Grombalia prison.

There were no developments in the case of former Islamist Tijani Dridi, who allegedly died in police custody between August 2 and 7, 1998. The Government maintains that Dridi died on July 21 from injuries sustained the previous day in a motorcycle collision.

There were no developments in the September 1997 case of Ghezala Hannachi, an elderly woman who, according to human rights activists, died after police used excessive force against her during a search of her home. The Government maintained that Hannachi died of natural causes, did not release the results of the prosecutor's inquiry into her death, and formally closed the case in 1998.

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, there are credible reports that security services used various methods of torture to coerce confessions from detainees. The forms of torture included electric shock, submersion of the head in water, beatings with hands, sticks, and police batons, cigarette burns, and food and sleep deprivation. Police also reportedly utilized the "rotisserie" method: stripping prisoners naked, manacling their wrists behind their ankles, and beating the prisoners while they were suspended from a rod. A report on prison conditions by the CNLT described other forms of torture, including the falaqa, which consists of suspending a prisoner by the feet and severely beating the soles of the feet; suspension of a prisoner from the metal door of his cell for hours on end until the prisoner loses consciousness; and confinement of the prisoner to the "cachot," a tiny, unlit cell. Ksila and the CNLT both reported cases in which prisoners committed self-mutilation in Tunisian prisons to protest conditions and then, as punishment, prison authorities sutured the prisoners' self-inflicted wounds without anesthesia and put them into isolation or into "cachot." The attorney of Abdelmounim Belanas stated that his client, who was arrested on February 21 on allegations that he belonged to the outlawed Tunisian Communist Workers Party (PCOT), was beaten badly in detention; Belanas stated that he also was tortured while in prison in 1995. In their July 10–11 trial, in which they were convicted of PCOT membership, and their August 6 appeal, Lofti Hammami, Imane Darwiche, and Henda Aroua attempted to testify about being subjected to torture in 1998 during their detention and being forced to sign confessions that they were not permitted to read. In addition Darwiche attempted to testify that prison guards had attempted to rape her. However, the presiding judges refused to record references to torture and rape, saying that such statements were irrelevant to the case. The appeals judge had Darwiche removed from the courtroom when she persisted in trying to testify about the attempted rape. Other defendants in the case alleged that they physically were forced to sign confessions and statements that they were not permitted to read. In their summary statements (which serve as the trial record), presiding judges did not comment on these allegations (see Sections 1.d., 1.e, 2.a., 2.b., 4, and 6.a.).

According to Amnesty International and defense attorneys, the courts routinely fail to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture.

In a November 1998 report on Tunisia, the U.N. Committee Against Torture recommended that the Government reduce the prearraignment incommunicado detention period from 10 days to 48 hours, noting that most abuses occur during incommunicado detention. On August 2, in order to address U.N. concerns, the Government published amendments to the Penal Code, which adopted the U.N. definition of torture 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. Although most defense attorneys state that it is still too early to determine whether the Government enforces the 6-day maximum detention requirement, one prominent attorney stated that he believes that the new law usually is enforced only with respect to common criminals, not political detainees.

In a report published in November 1998 as an alternative to the Government's report to the U.N. Committee Against Torture, the International Federation of Human Rights Leagues (FIDH) stated that torture was a "blatant, grave, and systematic" practice. The report listed at least 500 cases that occurred between 1990 and 1998, including at least 30 cases of death during torture. The majority of these cases occurred between 1990 and 1995. The FIDH reported that the total number of victims of torture between 1990 and 1998 probably totaled several thousand, and that government harassment discouraged victims of torture from filing complaints. The report was prepared in conjunction with the LTDH and the Committee for the Respect of Liberties and Human Rights in Tunisia.

Human rights advocates maintain that charges of torture and mistreatment are difficult to substantiate because government authorities often deny medical examinations until evidence of abuse has disappeared. For example, in his July 10–11 and August 6 court appearances, Lotfi Hammami attempted to testify that judicial authorities rejected repeated requests for a medical examination after he allegedly was tortured in 1998. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and noted that alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. Absent a formal complaint, the Govern-

ment may open an administrative investigation, but is unlikely to release the results to the lawyers of affected prisoners. There have been no documented cases in which security officials were disciplined for such abuse.

According to defense attorneys and former prisoners, prison conditions ranged from Spartan to poor and, in some cases, did not meet minimum international standards. Credible sources reported that overcrowding continued to be 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. A defense attorney reported that his client was imprisoned in a cell that contained 140 prisoners who were forced to sleep 3 to a cot. Defense attorneys reported that prisoners in the Ninth of April prison in Tunis were forced to share a single water and toilet facility and a single razor with their cellmates, creating serious sanitation problems.

There were credible reports that conditions and prison rules were more stringent for political prisoners than for the general prison population. One credible report has alleged the existence of special cell blocks and prisons for political prisoners, where they might be held in solitary confinement for months on end. Another credible source reported that high-ranking leaders of the illegal An-Nahda Islamist movement have been held 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 the prisoners' families to deliver food to the prisoners. One prisoner reported that he was moved three times while serving his 6-month sentence; another reported serving his sentence in 10 different jails in 3 years. The CNLT report alleged that inmates are instructed to isolate newly arrived political prisoners and are punished severely for any contact with them. On the other hand, PCOT defendant Imane Darwiche reported that guards incited her mentally ill cellmates to violence against Darwiche, including choking her, spitting on her, and defecating on her personal effects. Other prisoners, including LTDH vice president Khemais Ksila, alleged that the authorities limited the quantity and variety of food that families of political prisoners could bring to supplement prison fare.

There were no developments in the 1997 deaths in custody of prisoners Ridha Khemiri and Ahmed Ouafi, who, according to human rights activists, died because of prison authorities' negligence. The Government denied these allegations, citing authorities' efforts to provide medical care, but did not release the results of the autopsies that it reportedly conducted.

National High Commissioner for Human Rights Rachid Driss, whose organization is government-funded, has conducted bimonthly, unannounced prison inspections since 1996. Although Driss has declared that prison conditions and prisoner hygiene were "good and improving," details of his inspections have not been made public.

The Government does not permit international organizations or the media to inspect or monitor prison conditions. The LTDH announced in its December 14 communique that the Government had granted it permission to resume prison visits; however, it did not make any visits by year's end, and the Government's willingness actually to allow such visits to resume remained uncertain. The LTDH was given permission to resume visits in 1997 but subsequently was not allowed access to prisons.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remain problems. The law authorizes the police to make arrests without warrants in the cases of suspected felons or crimes in progress. In August the Government changed the Penal Code to reduce from 10 days to 6 the time that the Government may hold a suspect incommunicado following arrest and prior to arraignment. Another change requires arresting officers to inform detainees of their rights at the time of arrest, and requires police to inform detainees' families of the arrest at the time of the arrest. Although most defense attorneys state that it is still too early to determine whether the Government is enforcing the family notification requirement, one prominent attorney stated that the new law rarely is enforced with respect to either common criminals or political detainees. Detainees have the right to be informed 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 maintain that the authorities illegally extend the maximum limit of prearraignment detention by falsifying the date of arrest. Nizar Chaari, who was convicted on May 11 of belonging to An-Nahda, was arrested on May 29, 1998, and did not appear before a judge until June 16, 1999 (see Section 1.e.).

On May 12, the Government detained and then released within 48 hours nine labor activists who circulated a petition during the April 6-8 congress of the Tunisian Trade Union Federation (UGTT) that called for greater pluralism within the UGTT and threatened to establish a new syndicate. Another labor activist was detained for the same reasons for 2 days upon his return from Paris on May 22. The

Government noted that the labor activists were detained under suspicion of threatening the public order and violating the Publications Code, but filed no charges. In May and June the Government detained briefly and interrogated three members of the unregistered NGO, the National Council on Liberties, after they issued statements criticizing the detentions of the labor activists. In July the Government indicted two of the three, Omar Mestiri and Moncef Marzouki, for belonging to an illegal organization (see Sections 1.e., 2.a., 2.d., and 4). In July the Government arrested Abderraouf Chamarri and later charged him with defamation and the spreading of false information. The Government subjected the family members of Islamist activists to arbitrary arrest (see Sections 1.f, 2.a, 2.d, 4, and 6.a.).

Detainees have a 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. 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 which involve national security, pretrial detention may last an initial period of 6 months and may be extended by court order for two additional 4-month periods. For crimes in which the penalties 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. In August the Government approved a law that gives persons indicted for criminal acts the right to appeal their indictment before the case comes to trial; previously, this right was granted in civil cases only.

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 imperative for a speedy hearing. Complaints of prolonged detention of persons awaiting trial were common, and President Ben Ali publicly has encouraged judges to make better use of release on bail and suspended sentences. Seventeen students, professors, and labor activists who were sentenced in July for membership in the illegal PCOT complained that their rights were violated because their case was not tried until July 10, more than 17 months after their arrest. Defense lawyers maintain that the Government purposely delayed the trial by preventing 4 of the 17 defendants who were in government custody from appearing in the courtroom on May 15, the original trial date (see Sections 1.c, 1.e, 2.a., 2.b., 4, and 6.a.). Salowa Souilem and two other persons were arrested and imprisoned in May 1996; they were not tried until January 28. Souilem and her codefendants were found guilty of belonging to an extremist Islamic organization, Dawa'a Wa Tabligh, and sentenced to 2 years in prison. However, Souilem and one other defendant were released on the day of their conviction, with the third released at the conclusion of his sentence in May. (His time in pretrial detention counted as part of his sentence.)

Human rights activists reported that security services arbitrarily imposed administrative controls on former prisoners following their release from prison. Although the Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence, 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. Human rights activists allege that these requirements often are unreasonable and prevent former prisoners from being able to hold a job. One former prisoner, Habib Soltana, a former navy lieutenant released after serving a 4-year sentence for alleged membership in An-Nahda, has been required to sign in daily at a local police headquarters since 1995. Soltana also has been unable to resume his career in the navy or to obtain a passport. Radhia Aouididi, who was freed on June 4, was required as part of her original May 1998 sentence to report daily for 5 years to a police station 9 miles from her village; after a November 25 trial, this requirement was reduced to a weekly sign-in and notification to police if she leaves her village (see Sections 1.e., 1.f., and 2.d.). 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 child care difficult. In August the Government enacted a law proposed by president Ben Ali on March 20 that establishes a commission designed to oversee the proper administration of sentences. The same law also allows judges to substitute community service for jail sentences in minor cases where the sentence would be 6 months or less.

There are likely a sizable number of political detainees, although there is no reliable estimate due to arbitrary government detention practices and the lack of publicly available records of arrests.

The Constitution prohibits forced exile, and the Government observes this prohibition.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influence the judiciary. In practice the judicial branch is part of the Ministry of Justice and the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition the President is head of the Supreme Council of Judges. This situation renders judges susceptible to pressure in politically sensitive cases.

The court system comprises 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 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 Court of Cassation.

The Code of Procedure is patterned after the French legal system. 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. The Court of Cassation, which considers arguments on points of law as opposed to the facts of a case, is the final arbiter.

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 contend that the courts often fail 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. They also complained that the judges sometimes refused to allow them to call witnesses on their clients' behalf, or to question key government witnesses. Lengthy delays in trials also are a problem (see Section 1.d.).

Amnesty International and defense attorneys report that courts routinely fail 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 complain that the length of court sessions sometimes prevents reasoned deliberation. The July 10–11 trial of human rights lawyer Radhia Nasraoui, 17 codefendants who were in government custody, and 3 defendants who were in hiding and tried in absentia, continued for 20 straight hours with only short recesses (see Sections 1.c, 1.d, 2.a., 2.b., 4, and 6.a.).

There is no definitive information on the number of political prisoners. Human Rights Watch (HRW) reported that there might be hundreds of political prisoners, convicted and imprisoned for membership in the Islamist group An-Nahda and the Communist Workers Party, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. Reliable sources estimate that between 1,200 and 2,000 political prisoners were held in the prisons at the beginning of the year. The Government often releases prisoners on major national holidays, such as Independence Day or the anniversary of President Ben Ali's accession to power on November 7, 1987. On November 5, the Government announced the release and pardon of thousands of prisoners. Newspapers stated that 4,000 prisoners received either a reduction in their sentences or were released (some conditionally). Of these 4,000, government sources stated that 2,600 were released from prison. Reliable human rights activists and lawyers estimated that approximately 600 political prisoners were included in those released, and government officials confirmed that some Islamists were released. Therefore, the number of political prisoners detained at year's end was estimated to be between 600 and 1,400.

Khemais Ksila, the vice president of the LTDH who was jailed in 1998 for defamation, was released on September 22 after receiving an early parole (see Sections 2.a., 2.d., and 4). However, the Government does not provide details on the numbers or types of prisoners released. Nizar Chaari, who was convicted on May 11 of belonging to An-Nahda, was released on June 4. Radhia Aouididi, Saida Charbti, and Rachida Ben Salem were released on June 4; Aoudidi's fiancee (who has refugee status in France), Ben Salem's husband (who has refugee status in Holland), and Charbti's husband are accused of belonging to An-Nahda (see Section 2.d.). On February 16, Mohamed Aouididi (brother of Radhia Aouididi) and Mohamed Amri (brother of Radhia's fiancee) were released from prison. Radhia Aouididi, her mother Omssaad, her brother Mohammed, and Mohammed Amri were acquitted on November 25 for lack of evidence on charges of association with criminal elements. All de-

fendants were released from requirements to sign in daily at a police station. Radhia Aouididi's requirement from her prior conviction was reduced to a weekly sign-in and notification to police if she leaves her village (see Section 1.d., 1.f., and 2.d.). Salwa Souilem was released on January 28, the day of her conviction for belonging to an outlawed Islamic group, 4 months before the end of her sentence (see Sections 1.d and 1.f.).

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The authorities infringed on citizens' privacy rights. The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." The law requires that the police have warrants to conduct searches; however, police sometimes ignore the requirement if authorities consider that state security is at stake or that a crime is in progress. Human rights lawyer Radhia Nasraoui claimed that 3 houses of her family members were broken into and ransacked by a group of approximately 50 security officials on September 3, and that another 2 houses of relatives were ransacked on September 5. Plainclothes police officers searched the premises without presenting either a search warrant or any form of identification. According to Nasraoui, family members who voiced objections during the search were struck and told that they had no choice but to submit to the search. The Government stated that security forces were searching for Nasraoui's husband, Hamma Hammami, who was convicted in absentia in July of membership in the outlawed Communist Workers' Party but who has been in hiding since February 1998 (see Sections 2.a and 4.).

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of facsimile and computer-transmitted communications. The law does not explicitly authorize these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experience frequent and sometimes extended interruptions of residential and business telephone and facsimile services. Human rights activists accuse 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 foreign publications. Local phone, facsimile, and copy shops require persons to turn over their identification cards when requesting to send facsimiles. Lawyers and activists stated that the Government has increased its practice of cutting off telephone service to activists; telephone service to the offices, homes, and relatives of prominent human rights lawyers and other activists frequently was cut, sometimes for long periods.

The security services monitor the activities of political critics, and sometimes harass, follow, question, or otherwise intimidate their relatives and associates. Journalist Taoufik Ben Brik alleged that plainclothes policemen beat him on the street near his house on May 20 and then searched his house without a warrant; the Government denies any involvement and claims that Ben Brik did not cooperate in police attempts to investigate the beating (see Sections 1.d, 2.a, and 4.). Police place journalists who write articles critical of the Government, or who are active in human rights organizations, under surveillance (see Section 2.a.). Human rights activists and lawyers also reported that they were under police surveillance. Lawyer Radhia Nasraoui complained that police frequently follow and intimidate her children, and other human rights activists stated that the surveillance of Nasraoui's family, in-laws, and office increased after Nasraoui's July conviction for aiding and abetting an illegal organization (see Sections 2.a. and 4). LTDH vice president Khemais Ksila reported that he continued to be subjected to government surveillance and harassment since his release in September. Ksila's telephone service has been cut, and he reported that his mail was monitored and only bills have been delivered. On December 17, Ksila's car was rammed by the police surveillance car that was following him, causing an accident in which the passenger side of his car was damaged badly. In accordance with the law for prisoners released on parole, Ksila had no passport at year's end; his passport was seized in 1996. He also has been unable to work since 1996. Sihem Bensidrine, publisher and wife of CNLT secretary general Omar Mestiri, reported that since April her telephone service was cut, her home was under daily surveillance, her children routinely were followed and questioned by security police, and her publishing house was burglarized and ransacked three times, including on December 30, when her computer system and the CD-ROM archives of her not-yet-published philosophy manuscripts were stolen.

Human rights activists alleged that the Government subjected the family members of Islamist activists to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for crimes committed by the activists. Radhia Aouididi, her mother Omssaad, her brother Mohammed, and Mohammed Amri were acquitted for lack of evidence on November 25 of charges of as-

sociation with criminal elements. All defendants were released from requirements to sign in daily at a police station. Radhia Aouididi's requirement from her prior conviction was reduced to a weekly sign-in and notification to police if she leaves her village (see Sections 1.d., 1.e., and 2.d.). Mohamed Amri, who was arrested on October 29, 1998 and freed on February 16, is the brother of political refugee and accused An-Nahda activist Ahmed Amri. Radhia Aouididi, who was arrested in 1996 for attempting to leave the country on a false passport after her passport application was denied, and who was released from prison on June 4, is the fiancee of Ahmed Amri. Mohamed Aouididi had been arrested on October 30, 1998; he was freed on February 16. Omssaad Aouididi had been arrested on October 30, 1998 and was released the same day. Abdel Momen Amri, the father of Ahmed Amri, also was arrested on October 30, 1998 and released the same day; he was not summoned for the October 25 trial (see Section 1.d.).

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-Nahda movement and that they were correctly subjected to legitimate laws prohibiting membership in or association with that organization. The Government also reportedly refused to issue passports to the family members of some human rights activists.

Human rights activists allege that security services arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.d.).

Police presence is heavy throughout the country and traffic officers routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents. The Government regularly prohibited the distribution of some foreign publications (see Section 2.a.). The security services often question citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists.

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, in practice, the Government restricts freedom of speech and of the press and relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also used the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who expressed dissenting opinions. In a November 15 speech, President Ben Ali called for an end to self-censorship by journalists and a change in the Press Code to eliminate prison sentences as penalties for some offenses; however, he did not identify specifically what changes would be made and took no steps to change the code by year's end. Ben Ali also announced the creation of the position of Minister of Human Rights, Communication, and Relations with the Chamber of Deputies. Dali Jazi, a founding member of the LTDH, was appointed to the position, which is within the Prime Minister's office.

In July the Government jailed and prosecuted Abderraouf Chamarri (brother of self-exiled human rights activist Khemais Chamarri) on charges of defamation and dissemination of false information for a joke that Chamarri denied making, which linked a former minister to corruption; the sentence was upheld on appeal on August 10. Chamarri received a pardon on August 30 after he wrote a personal plea to the President citing health problems (see Section 1.d.). In June newspaper critic and composer Mohamed Gharfi was found guilty and fined for a 1998 series of five articles criticizing the organization of the annual Carthage Cultural Festival. Gharfi's newspaper publisher also was found guilty, and both verdicts were upheld on appeal. Ten labor union activists who were detained for 48 hours in May and then released without charges, allegedly were threatened with prosecution under the Publications Code after they distributed a petition calling for greater democracy within the trade union confederation without having submitted advance copies to the Government (see Sections 1.d. and 6.a.). The 20 students, professors, and labor activists (including 3 fugitives tried in absentia), who originally were arrested in February and March 1998 after criticizing the Government and its university policies, were convicted in July of membership in the outlawed PCOT (see Sections 1.c., 1.d., 1.e., 2.b., 4, and 6.a.).

LTDH vice president Khemais Ksila, who was arrested in September 1997 and convicted in February 1998 on charges of defamation of the public order, dissemination of false information, and inciting the public to violence, was released on September 22 after receiving an early parole (see Sections 1.e., 2.d., and 4). After releasing communiques criticizing the Government in the name of the unregistered National Council for Liberties, two CNLT members, Omar Mestiri and Moncef

Marzouki, were indicted in July for belonging to an illegal organization (see Sections 1.d., 2.d., and 4.). Moncef Marzouki also was arrested in November and December and charged with defamation, belonging to an unrecognized organization, causing a public disturbance, and dissemination of false information for publishing and distributing two communiques on behalf of the CNLT. The criminal investigation of ousted Social Democratic Movement (MDS) president Mohamed Moaada, which opened in December 1997, is ongoing. The Government did not react to several communiques issued by Moaada criticizing the Government for human rights violations; however, on November 17, Moaada was placed under house arrest. Moaada was released from house arrest on December 14 after he began a hunger strike on November 22. His house reportedly is no longer under security police surveillance, his telephone service was restored, and he was permitted to receive visitors again. Several journalists from Al-Fajr, the publication associated with the outlawed An-Nahda movement, remain in jail serving sentences that were given out in the early 1990's. The Government maintains that the arrests, indictments, and convictions were carried out in full accordance with the law.

Although several independent newspapers and magazines—including two opposition party journals—exist, the Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods is "depot legal," the requirement that printers and publishers provide copies of all publications to the Chief Prosecutor, Ministry of Interior, and Ministry of Culture prior to distribution. In July after reviewing the requisite advance copy, the Government, without explaining its position, refused to allow the Tunisian Association of Young Lawyers to distribute its internal bulletin celebrating the centenary of the Tunisian Bar Association. The Government has refused to allow Amnesty International's Tunisia chapter to distribute 4,000 textbooks on human rights written for high school students.

Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and various ministries 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 are 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. For example, editions of Le Monde, Liberation, and Al-Hayat, were embargoed several times throughout the year, and the French newspaper La Croix is, in effect, permanently banned. On October 21, the Government banned Le Monde, Le Canard Enchaine, L'Observateur, Le Point, Liberation, and Le Figaro in Tunis for their critical coverage of the presidential and legislative elections. Frankfurther Allgemeiner Zeitung and the Financial Times also were banned periodically since the October 24 elections. The Government also reportedly withheld "depot legal" to remove from circulation books that it deemed critical of the Government. A book published by French journalist Jean Daniel was removed from bookstore shelves on April 25 on the grounds that the distributor had not complied with the depot legal requirement; at the same time, a photograph exhibit organized by Daniel's wife Michele was canceled and the director of the cultural center that organized the show was dismissed. The Government stated that the cultural center director was not dismissed arbitrarily but had reached retirement age. In addition the Government provided official texts on major domestic and international events and reportedly reprimanded publishers and editors for failing to publish these statements.

The Government also relies on indirect methods, such as newsprint subsidies and control of public advertising revenues, to encourage self-censorship in the media. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles that the Government deemed offensive.

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 questioning and imposing police surveillance on journalists who wrote articles critical of the Government. Members of the security services also reportedly questioned journalists on the nature of press conferences and other public functions hosted by foreigners that they attended. Journalist Taoufik Ben Brik had his passport seized in April, was beaten, allegedly by plainclothes police, on May 20, and subsequently was detained and interrogated; his car also was vandalized in broad daylight. These events all occurred after he published articles critical of the Government in the French newspaper La Croix (see Sections 1.d., 1.f., 2.a., and 4.).

Other journalists who were active in human rights organizations reported that they were under police surveillance for weeks at a time. Visiting foreign journalists sometimes complain of being followed by security officials.

On May 3, for the second year in a row, the Committee to Protect Journalists named President Ben Ali as one of its "10 worst enemies of the press." In July Reporters Sans Frontieres released a paper entitled "Censorship: A Keystone of the Ben Ali Regime," which states that "press freedom is nonexistent in Tunisia." Both reports focused on the presence of a restrictive atmosphere that leads to self-censorship and control exercised through advertising revenues. The Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN). The WAN expelled the Association in 1997 for its failure to oppose repression of freedom of the press.

The Government owns and operates the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news is taken directly from the official news agency, TAP. In May 1998, the ERTT began broadcasting a live public debate program entitled "Face to Face," which gave ordinary citizens the opportunity to debate public affairs issues with government officials. Human rights activists described the program as progress toward greater freedom of expression. There are several government-owned regional radio stations and one national television channel. Bilateral agreements with France and Italy permit citizens to receive the French television channel France 2 and the Italian Rai-Uno. However, the Government stopped the broadcast of France 2 in October because of its critical coverage of the elections. The Government later announced plans to terminate France 2 service in Tunisia permanently. It stated that the termination was part of a long-term plan to provide more broadcast time to Tunisian programming. Recent estimates put the number of satellite dishes in the country at well over 100,000. After blocking sales for several years, the Government instituted regulations in 1996 to govern their sale and installation.

The Government encouraged greater use of the Internet, lowered Internet user fees and telephone connection fees in both 1998 and 1999, and abolished customs duties on computers. By September 1, the Government reported that 12,000 users were connected to the Internet (many of which were institutions, thus suggesting a higher number of individuals with Internet access), approximately double the number a year earlier. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible web sites. With a goal of 100,000 Internet users by 2001, the Government actively is connecting schools and universities to the Internet. However, web sites containing information critical of the Government posted by international NGO's and foreign governments frequently are blocked, including a report on Internet use in Tunisia by Human Rights Watch. The only two Internet service providers in Tunisia remain under the control of the Tunisian Internet Agency, which was created in 1996 and which regularly must provide lists of subscribers to the Government. Human rights activists allege that the Agency regularly interferes with and intercepts 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 limits academic freedom. Like journalists, university professors indicated that they sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the An-Nahda 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. A 1996 regulation requires professors to 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 imposes some restrictions on 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 the list of participants. The authorities routinely approve such permits for groups that support government positions, but refuse permission for groups that express dissenting views. Several independent NGO's, including the LTDH, the ATFD, and the National Student Union (UGET) received permission to hold a public meeting in December at the Africa Meridien hotel in commemoration of the 51st anniversary of the signing of the Universal Declaration of Human Rights. The first general meeting of human rights activists in the country in several years was attended by a standing-room-only crowd, with over 500

attendees representing groups from all over the country. After prohibiting the Tunisia chapter of Amnesty International from holding public meetings in September and December 1998, the Government permitted the chapter to hold a public meeting in Tunis in May. However, the Government prohibited branch offices from holding meetings in public space and denied AI permission to hold a public meeting on November 26 to celebrate Mahmoud Romdhane's reelection to the International Executive Committee of AI (see Section 4). On December 4, the police forcibly broke up a peaceful march that was organized by the UGTT in commemoration of the anniversary of the death of an early trade union activist. The Government routinely granted permits to opposition political parties to conduct campaign rallies and other activities, including in public buildings, during the October election campaigns (see Section 3).

Although the Constitution provides for freedom of association, the Government restricts this right by barring membership in political parties organized by religion, race, or region. On these grounds, the Government prosecutes members of the Islamist movement An-Nahda. 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.d. and 1.f.). A criminal investigation against former MDS opposition party leader Mohamed Moaada remained open, after he allegedly met with An-Nahda leaders in Europe in 1997 (see Section 2.a.).

In January the Government pardoned and released seven students who were arrested in December 1998 for their participation in public rallies organized by the UGET.

The Government bans organizations that threaten disruption of the public order and uses this proscription to prosecute members of the PCOT. In July the courts convicted 17 students, professors, and labor activists of membership in the PCOT; given sentences ranging from 16 months to 3 years, 11 of those convicted were released in August because it was determined that their pretrial detention counted as part of their sentences. PCOT leader Hamma Hammami and two other fugitives, in hiding since February 1998, were convicted in absentia and given prison sentences of 9 years and 4 months. Human rights lawyer (and wife of Hammami) Radhia Nasraoui, indicted in the same case but whose charges were reduced to misdemeanors on April 12, was given a 6-month suspended sentence for aiding and abetting an illegal organization (see Sections 1.c, 1.d., 1.e, 2.a., 4, and 6.e.). AI reported that of the remaining six students, five were released on November 4 as part of Ben Ali's presidential pardon (see Section 1.e.).

c. *Freedom of Religion.*—The Constitution establishes Islam as the state religion and provides for the free exercise of other religions that do not disturb the public order, and the Government generally respects this right; however, it does not permit proselytizing and partially limits the religious freedom of Baha'is. The Government controls mosques and pays the salaries of prayer leaders. The 1988 Law on Mosques provides that only personnel appointed by the Government may lead activities in the mosques.

The Government regards the Baha'i faith as a heretical sect of Islam and permits its 150 adherents to practice their faith only in private. The Government reportedly pressures Baha'is to eschew organized religious activities.

With 1,800 adherents, the Jewish community is the country's largest indigenous religious minority. The Government ensures the Jewish community freedom of worship and pays the salary of the Grand Rabbi. The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Jerba to split their academic day between secular public schools and private religious schools. The Government also encouraged Jewish emigres to return for the annual Jewish pilgrimage to the historic El-Ghriba synagogue on the island of Jerba.

The nominal Christian community—composed of foreign temporary and permanent residents and a small group of native-born citizens of both European and Arab origin—numbers approximately 20,000 and is dispersed throughout the country. According to church leaders, the practicing Christian population numbers approximately 2,000 and includes an estimated 200 native-born ethnic Arab citizens who have converted to Christianity. In general, the Government does not permit Christian groups to establish new churches.

The Government views proselytizing as an act against the public order. Authorities ask foreigners suspected of proselytizing to depart the country and do not permit them to return. There were no reported cases of official action against persons suspected of proselytizing.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and persons are free to

change their place of residence or work at will; however, in practice the Government restricts the freedom of movement and foreign travel of those critical of it.

Amendments to the passport law in October 1998 transferred power for canceling passports from the Ministry of Interior to the courts; however, the amended law contains 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. The Ministry of Interior must submit requests to seize or withhold a citizen's passport through the Public Prosecutor to the courts.

Human rights monitors complain that the Government arbitrarily withholds passports from citizens. In July human rights activists circulated a list of 26 defense lawyers whose passports the authorities seized. Although throughout the year the Government returned passports to several prominent activists and lawyers, it continued to withhold the passports of many other citizens, including Moncef Marzouki, Mustapha Ben Jaafar, and Siheme Ben Sedrine (see Section 4). On March 26, the passport of Fatma Ksila, wife of jailed LTDH vice president Khemais Ksila, was stolen in what she believes was a political move designed to prevent her travel later that day to Geneva to meet with U.N. High Commissioner for Human Rights Mary Robinson. The Government, citing laws designed to prevent the trafficking of stolen passports, stated that Ksila, like other citizens, legally may reapply for a passport 1 year from the date the passport was stolen. Also during March, the Government prohibited Ksila's son Zaid from traveling to Cairo to receive a human rights award in the name of his father; the Government reported that, because Zaid was a minor, he needed explicit permission from his father to leave the country. The mother of human rights lawyer Radhia Nasraoui was denied permission to renew her passport. In accordance with the law concerning prisoners released on parole, the Government continues to withhold the passport of Khemais Ksila since his September 22 release (see Section 1.f.). According to reliable sources, some political dissenters in self-imposed exile have been prevented from obtaining or renewing their passports in order to return to Tunisia. However, former Prime Minister Mohammed Mzali and former Minister of Education and the Economy Achmed Ben Sada, who both have been in self-exile for many years, recently had their passports reinstated.

Human rights groups reported that the Government continued to withhold the passports of the family members of Islamist activists who live abroad. Radhia Aouididi was freed on June 4, 5 months before the expiration of her 3-year prison term on a conviction of association with An-Nahda and November 1996 use of a false passport (after the Government refused to issue her a passport). Aouididi was informed after her November 25 acquittal that she would be issued a passport if she could provide a judge's decision in her trial; however, she claimed that the court refused her access to copies of the November 25 decision (see Sections 1.d., 1.e., and 1.f.). Aoudidi's fiance Ahmed Amri, who lives abroad, is accused of membership in An-Nahda. After being released on June 4, Rachida Ben Salem and Saida Charbti, both of whose husbands are political refugees in Europe accused of membership in An-Nahda, requested passports; the Government denied the requests (see Sections 1.d., 1.e., and 1.f.).

The Government restricts internal travel during criminal investigations. Human rights lawyer Radhia Nasraoui was confined to the greater Tunis area from March 1998 until these restrictions were lifted with her conviction on charges of aiding an illegal organization in July; on February 11, Nasraoui was convicted and given a suspended sentence for violating her travel restrictions when she traveled without authorization to her mother-in-law's funeral in Sfax (see Sections 1.c., 1.d., 1.e., 2.a., and 4). Council for National Liberties member Omar Mestiri remains confined to Tunis pending the outcome of a criminal trial, which prevents him from reaching his place of employment outside the city limits (see Sections 1.d, 1.e, 2.a, and 4).

Police routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 1.f.).

The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status that was accorded to 200 individuals during the year. Approximately 100 cases await determination by the UNHCR. The Government provides first asylum for refugees based on UNHCR recommendations. There is 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 still are some significant lim-

itations on citizens' right to change their government. In October President Ben Ali was reelected for a third 5-year term in the country's first multiparty presidential elections in October, winning 99.44 percent of the vote. According to the Constitution, this is to be his last term in office. The ruling RCD party won all 148 directly elected seats in the legislative elections. Observers agree that the outcome of the presidential and legislative elections generally reflect the will of the electorate; however, the campaign and election processes greatly favored the ruling party and there was widespread disregard for the secrecy of the vote. The ruling RCD party so dominates all levels of political activity that credible electoral challenges have been extremely difficult. Nonetheless, the results also reflect the general satisfaction of the vast majority with President Ben Ali's rule, which derives in large part from his success in promoting economic and social well-being. Opposition presidential candidates were allowed to run for the first time and opposition parties were able to campaign freely within the limits dictated by the Government; however, given the overwhelming dominance of the RCD, the playing field for the elections was not level. A presidentially appointed independent election monitoring group presented a confidential report to the President on the election process, which reportedly uncovered numerous irregularities alleged by opposition parties. President Ben Ali subsequently announced, during his November 15 inauguration ceremony, that he would propose a law to require voters to enter the voting booth and take copies of all party ballots (not just the ballot with ruling-party candidates) in order to preserve the secrecy of the vote.

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 appoints the Cabinet and the 23 governors. The Government and the party are integrated closely; the President of the Republic is also the president of the party, and the party's secretary general holds the rank of minister.

The Government amended the Constitution and Electoral Code in July to allow party presidents who have been in office for at least 5 years and whose parties were represented in the 1994 to 1999 Chamber of Deputies (and who met other requirements such as age and nationality) to run in the October presidential elections. These criteria were a one-time alternative to the more restrictive standing requirement that candidates for president must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run, and paved the way for the first multiparty presidential elections, as Mohamed Belhaj Amor, secretary general of the Popular Unity Front (PUP), and Abderrahman Tlili, secretary general of the Union of Democratic Unionists party (UDU), entered the race.

Both candidates acknowledged flaws in the Electoral Code and criticized the fact that the narrowly written criteria made only two persons eligible to run against Ben Ali. At the same time, they stated that they wanted to advance pluralism by seizing the opportunity to run. However, after the elections, there were opposition complaints that, despite some progress in liberalizing the electoral process, problems remained, especially with regard to protection of the secrecy of the ballot and the accuracy of the vote totals.

The 182-seat Chamber of Deputies does not function as a counterweight to the executive branch; rather, it serves 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 are not reported fully in the press. Regardless of the debate, the Chamber has a history of approving all government proposals. The Chamber that emerged from the October parliamentary elections is more pluralistic than the Chamber in place from 1994 to 1999, as October 1998 changes in the Electoral Code reserved 20 percent of the seats for the opposition parties, distributed on a proportional basis to those parties that did not win directly elected district seats. Now, 5 opposition parties hold 34 of 182 seats, or nearly 19 percent, compared with 4 opposition parties with 19 of 163 seats, or 12 percent, in the previous Parliament. The remaining 81 percent of the seats were contested in winner-take-all, multiseat district races, in which the ruling party won all 148 directly elected seats, up from 144 in the last Parliament. Opposition politicians recognized that the electoral changes ensured them more seats than they could have won in a popular election. However, they also argue that the winner-take-all, multiseat district system permanently favors the RCD and essentially freezes the opposition at the 20 percent level.

All six legally recognized opposition parties fielded parliamentary candidates in the October elections. The Government provided public financing to political parties, as called for in legislation adopted in 1997. Under the legislation, each party represented in the Chamber of Deputies received an annual public subsidy of approxi-

mately $54,000 (60,000 dinars), plus an additional payment of $4,500 (5,000 dinars) per deputy. The Government also provided campaign financing that corresponded to the number of district lists that each party presented. Opposition politicians argued that the subsidy system reinforces the favored position of the ruling party because its dominance in the Parliament means that it receives the great majority of the government funding. Moreover, with funding based on 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 fund raising impossible, and those that published newspapers or magazines faced difficulties in obtaining paid advertisers.

Women participate in politics, but they are underrepresented in senior government positions. Twenty-one of the 182 Deputies elected in October are women, up from 13 of 163 deputies in the previous Chamber. The number of women in the Cabinet increased from one to four after April and November cabinet changes, with two women being appointed full ministers (the Minister of Environment and Land Management and the Minister for Women and Family Affairs) and two appointed junior ministers (the Secretary of State for Housing and the Secretary of State for Public Health).

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

The Tunisian Human Rights League is the most active independent advocacy organization, with branches in many parts of the country. The organization receives and researches complaints and protests individual and systemic abuses. After the league published a communique welcoming the human rights initiatives announced in President Ben Ali's March 20 independence day speech, then Minister of Interior Ali Chaouch met with LTDH president Taoufik Bouderbala on April 1, the first official meeting between the League and the Government since the Government broke off dialog in August 1997. At that time, the Government had accused the LTDH of prompting members of the International Human Rights Federation to give inaccurate testimony regarding Tunisia before the U.N. Human Rights Commission. While pleased with the renewed contact, LTDH officials reported that the Government had not provided any written responses to LTDH inquiries since 1994. As a result of the April 1 meeting, the Government returned the passports of several lawyers whose cases the LTDH raised with the Government. LTDH representatives also reported that the Government acceded to league requests for a thorough medical check-up of then-jailed LTDH vice president Khemais Ksila (who was released in September) and that a jailed university student be allowed a face-to-face meeting with her father. LTDH president Bouderbala reported that informal contacts between the LTDH and the Government subsequently continued, and that the Government addressed some league complaints about postimprisonment administration controls by reducing the frequency of police station sign-ins by some former prisoners. In June the Government provided the LTDH with a grant of $23,000 (25,000 dinars), its first direct subsidy for general LTDH operations in the League's history.

Although the Government permitted the League to hold meetings and a rally in its offices, it continued to place significant obstacles in the way of the League's effective operation. LTDH members and other human rights activists reported government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. Local newspapers refused to publish LTDH communiques. After requests for permission to hold meetings in public spaces were denied in 1997 and 1998, the LTDH was able to secure a hotel venue for a December 14 meeting held in conjunction with the Young Lawyers Association, the ATDF, the Tunisian chapter of Amnesty International, and the UGET. The meeting featured speakers commenting on the 51st anniversary of the signing of the Universal Declaration of Human Rights. This first general meeting of human rights activists in several years was attended by over 500 persons representing groups from all over the country.

LTDH vice president Khemais Ksila, convicted in February 1998 on defamation charges, was released on September 22 (see Sections 1.e., 2.a., and 2.d.). Although the Government claims that an investigation is ongoing, there were no developments regarding the February 12, 1998 ransacking and burglary of the law office of human rights activist Radhia Nasraoui, which human rights activists believe the security services carried out. In a case that human rights activists believe was motivated by authorities' desire to retaliate for her willingness to defend unpopular clients, Nasraoui was convicted in July and given a 6-month suspended sentence for aiding and abetting the outlawed Communist Workers Party (see Sections 1.c., 1.d., 1.e., 2.b., 4, and 6).

On December 15, 1998, several activists applied to the Ministry of Interior to register a new human rights organization, the Tunisian National Council for Liberties. On March 2, the Government issued its refusal to register the CNLT as an NGO, commenting (without providing details) that the organization did not comply with the law. The CNLT's founders filed an administrative appeal asking for reconsideration, which the Government has not yet acted upon. Although not recognized by the Government, the CNLT issued statements criticizing government human rights practices. Government officials stated that, in 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. The Government opened a criminal investigation of the head of the Tunisian Association of Young Lawyers for receiving CNLT members in his office. The Government detained and interrogated two CNLT members, Omar Mestiri and Moncef Marzouki, in May, and a third member in June. In July a court indicted both Mestiri and Marzouki on charges of belonging to an illegal organization, violating the Publications Code, and spreading false information; both are currently out of prison awaiting trial. Marzouki and CNLT member Mustapha Ben Jaafar, both doctors, allege that the Government prohibits them from treating patients in retaliation for their human rights activism. Marzouki also was indicted in November and December and charged with defamation, belonging to an unrecognized organization, public disturbance, and dissemination of false information for publishing and distributing two communiques critical of the Government's harassment of Omar Mestiri, his wife, Sihem Bensedrine, and former directors of MDS Mohamed Moaada and Ahmed Khaskoussi. Marzouki's family also claims to have suffered from Marzouki's activism, and his brother Ali Bedoui was arrested in January and given a 6-month prison sentence. The Government stated that Bedoui was arrested for failing to fulfill the requirement of a previous conviction that he report daily to the police station. Many CNLT members were unable to obtain passports (see Sections 1.d., 1.e., 2.a., and 2.d.).

The Arab Institute for Human Rights, headquartered in Tunis, was founded in 1989 by the LTDH, the Arab Organization for Human Rights, and the Union of Arab lawyers. It is an information, rather than an advocacy, organization, and the Government supports its activities.

Amnesty International continued to maintain a Tunisian chapter. Its members complained that the Tunis office suffered repeated loss of telephone and facsimile service. Until June telephone information service provided an incorrect number to those asking for AI's telephone number; persons who called this number reportedly then were questioned by Ministry of Interior officials. Persons who were considering joining AI's Tunisia chapter report being discouraged actively from doing so by security officials. AI officials reported that they were under periodic police surveillance. The Government continued to deny entry to a London-based AI researcher responsible for Tunisian affairs, claiming that she has an anti-Tunisia bias. The Government refused to allow the Tunisia chapter of AI to distribute 4,000 books on human rights education for high school students. The Government permitted AI to hold a public meeting in Tunis in May; however, it denied requests by branch chapters in Tunisia to hold public meetings outside the capital. In November the Government denied a request by the Tunisia chapter of AI to hold a public meeting in Tunis to celebrate the reelection of Mahmoud Romdhane to the International Executive Committee of AI.

Throughout the year, the Government permitted observers from AI, the International Human Rights Federation, and other international human rights organizations to monitor trials. The observers reported that the Government permitted them to conduct their work freely. However, the Government reportedly blocked access to the Internet web sites produced by some of these organizations and the web site produced by the Committee to Protect Journalists (see Section 2.a.). Human rights activists and lawyers complain of frequently interrupted postal and telephone services.

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights and Basic Freedoms, address and sometimes resolve human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali. On November 17, the President created a Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies, which is within the Prime Minister's office, and appointed LTDH founder Daly Jazi as Minister. On December 10, Jazi held a conference in which the role of NGO's in preserving and enforcing human rights was emphasized.

Section 5. Discrimination Based on Race, Sex, Religion, 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 upholds these rights in practice. Legal or societal discrimination is not prevalent, apart from that experienced by women in certain areas, such as inheritance, which is governed by Shari'a. Shari'a provides that daughters receive only half the amount left to sons.

Women.—Violence against women occurs, but there are no reliable statistics to measure its extent. The Tunisian Democratic Women's Association operates the country's only counseling center for women who are victims of domestic violence. The center, located in Tunis, assists approximately 20 women per month. Instances of rape or assault by someone unknown to the victim are rare. Battered women first seek help from family members. Police intervention is often ineffective because 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 spouse 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.

Women enjoy 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. The 1956 Personal Status Code outlawed polygamy. A 1998 presidential decree created a national fund to protect the rights of divorced women, ensuring that the State would provide financial support to women whose former husbands refused to make alimony payments. Legislation requires civil authorities to advise couples of the merits of including provisions for joint property in marriage contracts. Nonetheless, 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. The Government took strong measures to reduce official discrimination, including adding equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, it did not extend such measures to the private sector.

Women in increasing numbers are entering the work force, employed particularly in the textile, manufacturing, health, and agricultural sectors. According to 1994 government statistics, women constituted 25 percent of the workforce; excluding the agricultural sector, they accounted for 44 percent. Women represent 44 percent of workers in the industrial sector and 46.1 percent of workers in the health sector. There are an estimated 2,000 businesses headed by women. Women constitute one-third of the civil service, employed primarily in the fields of health, education, and social affairs at the middle or lower levels. Women represent 60 percent of all judges in the capital and 25 percent of the nation's total jurists. Approximately 43 percent of university students enrolled in the 1997–98 academic year were women. The law explicitly requires equal pay for equal work. The Government has added equal opportunity for women as a standard part of its audits of all government ministries, agencies, and state-owned enterprises. On the other hand, 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 active NGO's focus, in whole or in part, on women's advocacy, or research women's issues, and a cadre of attorneys represent women in domestic cases. Media attention focuses on women's economic and academic accomplishments, and usually omits reference to culturally sensitive issues. The Government funded several studies and projects designed to improve the role of women in the media.

In a November 17 cabinet reorganization, President Ben Ali created a separate Ministry for Women and Family Affairs, and included in the 2000 state budget a separate, and relatively large, budget for the Ministry, in support of its mission to ensure the legal rights and improve the socioeconomic status of women. The Government supports and provides funding to the National Women's Union, women's professional associations, and the Government's Women's Research Center.

Children.—The Government demonstrates a strong commitment to public education, which is compulsory until age 16. Primary school enrollment for the 1997–98 scholastic year was roughly the same as the preceding year; secondary school enrollment showed an 8 percent increase. The Government reported that 98 percent of children attend school full-time. The Government offers a maternal and child health program, providing pre- and post-natal services. It sponsors an immunization

program targeting preschool-aged children, and reports that over 95 percent of children are vaccinated.

In 1995 the Government promulgated laws as part of a Code for the Protection of Children. The code proscribes child abuse, abandonment, and sexual or economic exploitation. Penalties for convictions for abandonment and assault on minors are severe. There is no societal pattern of abuse of children. There is a Ministry for Children and Youths and a Presidential Delegate to Safeguard the Rights and Welfare of Children.

People 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 the disabled. All public buildings constructed since 1991 must be accessible to physically disabled persons. Many cities, including the capital, have begun to install wheelchair access ramps on city sidewalks. There is a general trend toward making public transportation more accessible to disabled persons. The Government issues special cards to the disabled for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts.

Indigenous People.—The Government estimates that the small Amazigh 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 Tunisian culture through schooling and marriage. Berbers are 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 stipulate the right of workers to form unions. The Tunisian General Federation of Labor is the country's only labor federation. About 15 percent of the 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. There is no legal prohibition against the establishment of other labor federations. 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 includes persons associated with all political tendencies, although Islamists have been removed from union offices. There are 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 more independence, the central UGTT leadership follows a policy of cooperation with the Government and its economic reform program. While criminal charges dating from March 1998 were dropped against dissident labor activist Abdelmejid Sahraoui on April 2, allowing him to run in UGTT elections, police physically prevented him from attending the April 6–8 UGTT congress and elections. Labor activists were among the 21 persons (3 of whom remain fugitives) convicted in July of defamation, dissemination of false information, and association with or membership in the illegal Communist Workers Party (see Sections 1.c, 1.d, 1.e, 2.a., 2.b., and 4). Ten UGTT members (including Sahraoui) were detained for 48 hours in May after circulating a petition at the April UGTT congress that criticized the UGTT secretary general and threatened to establish an alternative labor federation (see Sections 1.d. and 2.a.).

Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice to the UGTT and it approves of the strike. However, this advance approval rarely is sought in practice. There were numerous short-lived strikes over pay and conditions. While the majority of these technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were covered objectively in the press. The International Confederation of Free Trade Unions has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. The law prohibits retribution against strikers, but there have been cases of employers punishing them nevertheless, which forces the strikers to pursue costly and time-consuming legal remedies to protect their rights.

Labor disputes are settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

Unions are free to associate with international bodies.

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

accord is negotiated by representatives of unions and employers in the area it covered. The Government's role in these negotiations is 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. When approved the agreements set standards for all employees, both union and nonunion, in the areas that they cover. The 1999 triennial negotiation extended well beyond the May deadline, with a few public sector collective bargaining agreements still not concluded by year's end. The agreements signed provided for annual wage increases ranging from 4 to 6 percent.

The UGTT also negotiates wages and work conditions of civil servants and employees of state-owned enterprises.

The law prohibits antiunion discrimination by employers. However, the UGTT is concerned about antiunion activity among private sector employers, especially the firing of union activists and the use of temporary workers to avoid unionization. In certain industries, such as textiles 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. The UGTT held discussions with the Government on this issue, but no progress was reported by year's end. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs, and including a labor representative and an employers' association representative, approves all worker dismissals.

c. *Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor by either adults or children, and it is not known to occur. The Government abolished compulsory labor in 1989.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment in manufacturing is 16 years. The minimum age for light work in agriculture and some other nonindustrial sectors is 13 years. The law also requires children to attend school until age 16. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 may work no more than 2 hours per day. The total time that they spend in school and work may not exceed 7 hours per day. Inspectors of the Ministry of Social Affairs examine the records of employees to verify that employers comply with the minimum age law. Nonetheless, young children often perform agricultural work in rural areas and work as vendors in urban areas, primarily during the summer vacation from school.

The UGTT has expressed concern that child labor continues 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 are no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice 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 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, Planning, Finance, and National Economy in consultation with the UGTT and the Employers' Association. The President approves the commission's recommendations. On May 1, the industrial minimum wage was raised by 6.32 dinars to $153 (178.880 dinars) per month for a 48-hour workweek and $134 (156.691 dinars) per month for a 40-hour workweek. The agricultural minimum wage is $4.71 (5.509 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 nothing more, as it covers 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 standards. They inspect most firms about once every 2 years. However, the Government often encounters difficulty in enforcing the minimum wage law, particularly in nonunionized sectors of the economy. Moreover, more than 240,000 workers are employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. There are 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 are 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.

f. *Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, it prohibits slavery and bonded labor. There were no reports that persons were trafficked in, to, or from the country.

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. Political leaders in the emirates are not elected, but citizens may express their concerns directly to their leaders via 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. The Constitution requires the Council to meet annually, although individual leaders meet 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 advisors appointed by the emirate rulers, has no legislative authority but questions government ministers in open sessions and makes policy recommendations to the Cabinet. 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 is independent, but its decisions are subject to review by the political leadership.

Each emirate maintains its own independent police force. While all emirate internal security organs theoretically are branches of one federal organization, in practice they operate with considerable independence.

The UAE has a free market economy based on oil and gas production, trade, and light manufacturing. The Government owns the majority share of the petroleum production enterprise in the largest emirate, Abu Dhabi. The Emirate of Dubai is likewise an oil producer, as well as a growing financial and commercial center in the Gulf. The remaining five emirates have negligible petroleum or other resources and therefore depend in varying degrees on federal government subsidies, particularly for basic services such as health care, electricity, water, and education. The economy provides citizens with a high per capita income, but it is heavily dependent on foreign workers, who constitute at least 80 percent of the general population.

The Government continued to restrict human rights in a number of areas including the denial of the right of citizens to change their government and the right to a speedy trial, and limitations on the freedoms of speech, press, assembly, and association. The press continued to avoid direct criticism of the Government and exercised self-censorship. Women continue to make progress in education and in the work force, but some discrimination persists, including restrictions on their ability to own property. The Government limits worker rights.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture or degrading treatment, and there were no confirmed reports of torture. There are consistent but unconfirmed reports from foreign prisoners of beatings and coerced confessions by police during initial detention. The Government conducted internal investigations of these reports, and maintained that they were groundless. Shari'a (Islamic law) courts frequently impose flogging (except in Dubai) on Muslims found guilty of adultery, prostitution, and drug or alcohol abuse. In practice flogging is administered in accordance with Shari'a so as to prevent major or permanent injuries. The individual administering the lashing traditionally holds a Koran under the arm and swings the whip using the forearm only. According to press accounts, punishments for adultery and prostitution have ranged

from 39 to 200 lashes. Individuals convicted of drunkenness have been sentenced to 80 lashes.

The Federal Supreme Court ruled in 1993 that convictions in the Shari'a courts do not necessarily require the imposition of Shari'a penalties on non-Muslims, but such sentences have been carried out in a few cases.

In June 1998, a Shari'a court in Fujairah sentenced three Omani nationals convicted of robbery to have their right hands amputated. The Fujairah prosecutor's office stated that it did not intend to carry out the sentence and instead commuted the sentence to a term of imprisonment.

In central prisons that hold long-term inmates, prisoners are provided with food, medical care, and adequate sanitation facilities, but sleep on slabs built into cell walls. Each prisoner is provided with four blankets. Only some blocks of the central prisons are air-conditioned during the intense heat and humidity of the summer. The Government gradually is phasing air conditioning into the prisons. Currently, prisoners with medical conditions are placed in air-conditioned rooms during the summer months. Prisoners not under investigation and not involved in drug cases may receive visitors up to three times each week and may also make occasional local telephone calls. In Dubai Emirate, most prisoners are allowed family visits and a number of telephone calls.

The Government does not permit independent monitoring of prison conditions.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arrest, search, detention, or imprisonment, except in accordance with the law, and authorities respect these provisions in practice. The laws of each emirate prohibit arrest or search without probable cause.

Under the Criminal Procedures Code, the police must report arrests within 48 hours to the Attorney General, who must determine within the next 24 hours whether to charge, release, or order further detention pending an investigation. The Attorney General may order that detainees be held for up to 21 days without charge. After that time, the authorities must obtain a court order for further detention without charge.

Although the code does not specify a right to a speedy trial, authorities bring detainees to trial in reasonable time. Trials may last a substantial period of time, depending on the seriousness of the charges, number of witnesses, and availability of judges. There is no formal system of bail, but the authorities temporarily may release detainees who deposit money or an important document such as a passport. The law permits incommunicado detention, but there is no evidence that it is practiced. Defendants in cases involving loss of life, including involuntary manslaughter, may be denied release in accordance with the local custom of protecting the defendant from the victim's aggrieved family. However, bail usually is permitted, after a payment of "diya," a form of financial compensation for death or injury cases.

Review of criminal cases by the office of the President in Abu Dhabi, and bureaucratic delays in processing prisoners or releasing them, sometimes result in detainees serving additional, unnecessary time in the central prisons (see Section 1.e.). Some bureaucratic delays have kept prisoners incarcerated for as long as several months beyond their court-mandated release dates.

The Constitution prohibits exile, and it is not practiced.

e. *Denial of Fair Public Trial.*—The Constitution provides for the independence of the judiciary; however, its decisions are subject to review by the political leadership.

There is a dual system of Shari'a and civil courts. The civil courts generally are part of the federal system and are answerable to the Federal Supreme Court, located in Abu Dhabi, which has the power of judicial review as well as original jurisdiction in disputes between emirates or between the Federal Government and individual emirates. Courts and other parts of the judicial system in the Emirate of Dubai tend to maintain independence from the federal system.

The Shari'a courts are administered by each emirate but also are answerable to the Federal Supreme Court. In 1994 the President decreed that the Shari'a courts, and not the civil courts, would have the authority to try almost all types of criminal cases. The decree did not affect the emirates of Dubai, Umm Al-Qaiwain, and Ras Al-Khaimah, which have lower courts independent of the federal system.

Legal counsel may represent defendants in both court systems. Under the new Criminal Procedures Code, the accused has a right to counsel in all cases involving a capital crime or possible life imprisonment. Only the Emirate of Dubai has a public defender's office. If the defendant is indigent, the Government will provide counsel. However, in Dubai the Government provides indigents counsel only in felony cases. The Supreme Court ruled in 1993 that a defendant in an appeals case has a "fundamental right" to select his attorney and that this right supersedes a judge's power to appoint an attorney for the defendant.

The right to legal counsel is interpreted to mean that the accused has access to an attorney only after the police have completed their investigation. Thus, the police can question accused persons—sometimes for days or weeks, as in narcotics cases—without the benefit of legal counsel.

Defendants are presumed innocent until proven guilty. There are no jury trials. A single judge normally renders the verdict in each case, whether in Shari'a or civil courts; three judges sit for Dubai felony cases. All trials are public, except national security cases and those deemed by the judge likely to harm public morality. Most judges are foreign nationals, primarily from other Arab countries; however, the Ministry of Justice has trained some citizens as judges and prosecutors.

Each court system has an appeal 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 may receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims may be overturned or modified by a higher court.

The Office of the President in the Abu Dhabi Emirate (also known as the Diwan), following the traditional prerogatives of a local ruler, maintains the practice of reviewing many types of criminal and civil offenses (such as alcohol use, drug-related cases, firearm use, cases involving personal injury, and cases affecting tribal harmony) before cases are released to the prosecutor's office. The Diwan also reviews sentences passed by judges and reserves the right to return cases to the courts on appeal. The Diwan's involvement leads to long delays prior to and following the judicial process, causing prisoners to remain in prison after they have completed their sentence. Although there are reports of intervention by other emirates' rulers in specific cases of personal interest, intervention does not appear to be routine.

The military has its own court system based on Western military judicial practice. Military tribunals try only military personnel. There is no separate national security court system. In Dubai convicted criminals are eligible for executive pardon, often based on humanitarian grounds, once they have served at least half of their sentence.

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. Police may enter homes without a warrant and without demonstrating probable cause; however, officers' actions in searching premises are subject to review, and officers are subject to disciplinary action if they act irresponsibly. Officials other than a police officer must have a court order to enter a private home. Local custom and practice place a high value on privacy, and entry into private homes without the owner's permission is rare. There is no known surveillance of private correspondence. However, foreigners have received sealed publications, such as magazines, through the international mail in which pictures of the naked human figure have been blackened over with a marking pen.

Family law for Muslims is governed by Shari'a and the local Shari'a courts. As such, Muslim women are forbidden to marry non-Muslims. Such a marriage may result in the non-Muslim partner being arrested and tried.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech; however, the Government limits this right in practice. Most persons especially foreign nationals, refrain from criticizing the Government in public.

All published material is subject to Federal Law 15 of 1988, which stipulates that all publications, whether books or periodicals, should be licensed by the Ministry of Education. The law also governs content and contains a list of proscribed subjects. Mindful of these provisions, journalists censor themselves when reporting on government policy, the ruling families, national security, religion, and relations with neighboring states. However, following an October interview with the semiofficial daily newspaper Al-Ittihad, in which Deputy Prime Minister Sultan Bin Zayid Al-Nahyan stated that uncovering inefficiencies in government was one of the duties of the press, Al-Ittihad published a series of articles that criticized unnamed government officials who allegedly neglected their official duties in order to attend to their private business interests. With the encouragement of the Ministry of Information, Al-Ittihad printed several articles and commentaries late in the year that were critical of alleged inefficiencies in the delivery of services by the Ministries of Health and Education.

The abrupt termination in April of the contract of a recently hired editor of Al-Ittihad followed reported criticism of his failure to follow tacit government guidelines regarding the reporting of political issues. No official reason was given for the termination. Also early in the year, the Abu Dhabi Emirate-owned corporation

Emirates Media ceased publication of the semiofficial English-language daily Emirates News, apparently for budgetary reasons. In September Emirates Media, which publishes Al-Ittihad and owns Abu Dhabi's radio and television stations, issued a directive forbidding all its employees, including journalists, from speaking with representatives of foreign diplomatic missions without prior approval. Also in September, Dubai Emirate announced plans to open a press club as part of its effort to promote Dubai as a major regional communications hub. The club is intended to provide facilities for the international press, including access to uncensored information, and to serve as a site for open discussions between political and financial figures and journalists.

Many of the local English and Arabic language newspapers are privately owned but receive government subsidies. Foreign publications routinely are subjected to censorship before distribution.

All television and radio stations are government owned and conform to government reporting guidelines. These unpublished guidelines are not always applied consistently. In July Emirates Media purchased Ajman Emirate's radio and television stations, which until then had been the country's only privately owned broadcast outlets. Satellite receiving dishes are widespread and provide access to international broadcasts without apparent censorship. Censors at the Ministry of Information and Culture review imported newspapers, periodicals, books, films, and videos and ban any material considered pornographic, violent, derogatory to Islam, supportive of certain Israeli positions, unduly critical of friendly countries, or critical of the Government or the ruling families. In June the state telephone and Internet monopoly substantially lowered Internet prices for the second time in 2 years and sought to encourage greater use of the Internet. The Internet monopoly uses a proxy server that appears aimed, in most instances, at blocking material regarded as pornographic or as promoting radical Islamic ideologies. The proxy server does not appear, in most cases, to block news services or political expression unrelated to radical Islam, or material originating from specific countries. However, the Internet monopoly solicits suggestions from users regarding "objectionable" sites and sometimes has responded by briefly blocking some politically oriented sites, which were, after an apparent review, later unblocked.

The unwritten but generally recognized ban on criticism of the Government also restricts academic freedom, although in recent years academics have been more open in their criticism.

b. *Freedom of Peaceful Assembly and Association.*—The Government tightly restricts the freedom of peaceful assembly. Organized public gatherings require a government permit. Each emirate determines its own practice on public gatherings. Some emirates are relatively tolerant of seminars and conferences on sensitive subjects. Citizens normally confine their political discussions to the numerous gatherings or majlis, which are held in private homes. There are no restrictions on such gatherings.

The Government tightly restricts freedom of association. Unauthorized political organizations are prohibited. All private associations, including children's clubs, charitable groups, and hobby associations, must be approved and licensed by local authorities; however, this requirement is enforced only loosely in some emirates. Private associations must follow the Government's censorship guidelines if they publish any material.

c. *Freedom of Religion.*—The Constitution designates Islam as the official religion, and Islam is also the official religion of each of the seven emirates. The Constitution also 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, and the government generally respects this right in practice. However, the Government controls all mosques and prohibits proselytizing. Citizens are predominantly Sunni Muslims, but Shi'a Muslims also are free to worship and maintain mosques. Most mosques are government funded or subsidized, and the Ministry of Awqaf and Religious Affairs ensures that clergy do not deviate from approved topics in their sermons.

Non-Muslims are free to practice their religion but may not proselytize publicly or distribute religious literature. The Government does not recognize all non-Muslim religions. In those emirates that officially recognize and thereby grant a legal identity to non-Muslim religious groups, only a limited number of Christian groups are granted such recognition. While recognizing the difference between Roman Catholic, Eastern Orthodox, and Protestant Christianity, the authorities make no legal distinction between denominations within these Christian groups, particularly between Protestant denominations. Several often unrelated Christian congregations are required to share common facilities because of official limitations on the number of Christian denominations that are recognized officially. Non-Muslim and non-Chris-

tian religions have no legal identity in any of the emirates. Partly as a result of emirate policies regarding recognition of non-Muslim denominations, facilities for Christian congregations are far greater in number and size than those for non-Christian and non-Muslim groups, despite the fact that Christians are a small minority of non-Muslim foreigners.

Major cities have Christian churches, some of which are built on land donated by the ruling families. A new Catholic church was opened in Sharjah in 1997 and a new Armenian Orthodox church in 1998, both with public ceremonies. The Government of Dubai Emirate donated a parcel of land in Jebel Ali in 1998 for the construction of a facility to be shared by four Protestant congregations and a Catholic congregation. Land also was designated in Jebel Ali for the construction of a second Christian cemetery. Some emirates permit Hindu and Sikh temples to exist. There are no Buddhist temples; however, Buddhists, along with Hindus and Sikhs, in cities without public facilities, conduct religious ceremonies in private homes without interference. Other religious communities (mostly of foreigners residing in Dubai and Abu Dhabi) include Ismailis, Parsis, and Iranian Baha'is. In 1998 Abu Dhabi Emirate donated land for the construction of a second Christian cemetery near Bani Yas because the existing facility near Umm Al Nar is nearly full. The Emirate also designated land for the establishment of the country's first Baha'i cemetery. The Government permits foreign clergy to minister to expatriate congregations. Non-Muslim religious groups are permitted to engage in private charitable activities and to send their children to private schools. In January Dubai Emirate established a center for the promotion of cultural understanding aimed at expanding contact between the citizen and foreign populations. One of the center's goals is to expose foreigners to aspects of the indigenous culture, including Islam.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There are no limitations on freedom of movement or relocation within the country, except for security areas such as defense and oil installations.

Unrestricted foreign travel and emigration are permitted to male citizens except those involved in financial disputes under adjudication. A husband may bar his wife and children from leaving the country. All citizens have the right to return. There is a small population of stateless residents, many of whom have lived in the country for more than one generation. They are Bedouins or the descendants of Bedouins who are unable to prove that they are of UAE origin. There is no formal procedure for naturalization, although foreign women receive citizenship by marriage to a citizen, and anyone may receive a passport by presidential fiat. Because they are not of the original tribal groups, naturalized citizens may have their passports and citizenship status revoked for criminal or politically provocative actions. Such revocations are rare.

Citizens are not restricted in seeking or changing employment. However, foreign nationals in specific occupations, primarily professional, may not change employers without first leaving the country for 6 months. During 1997 in an effort to liberalize employment regulations, the Federal Government removed the 6-month ban from some of these professions. Foreign nationals involved in disputes with citizen employers may be blacklisted by the employer with immigration authorities, effectively preventing their return.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. It may detain persons seeking refugee status, particularly non-Arabs, while they await resettlement in a third country.

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

There are no democratically elected institutions, and citizens do not have the right to change their government or to form political parties. Although there are consultative councils at the federal and emirate levels, most executive and legislative power is in the hands of the Federal Supreme Council. The seven emirate rulers, their extended families, and those persons and families to whom they are allied by historical ties, marriage, or common interest wield most political power in their respective emirates. Decisions at the federal level are generally made by consensus of the sheiks of the seven emirates and leading families.

A federal consultative body, called the Federal National Council, consists of advisers appointed by the rulers of each emirate. The FNC has no legislative authority but may question ministers and make policy recommendations to the Cabinet. Its sessions are usually open to the public.

The choice of a new emirate ruler falls to the ruling family in consultation with other prominent tribal figures. By tradition rulers and ruling families are presumed to have the right to rule, but their incumbency ultimately depends on the quality

of their leadership and their responsiveness to their subjects' needs. Emirate rulers are accessible, in varying degrees, to citizens who have a problem or a request.

Tradition rather than law has limited the political role of women. Women are free to hold government positions, but there are few women in senior positions. There are no female members of the FNC. In 1998 President Zayid's wife, Shaykha Fatima, who is chairwoman of the Women's Federation, announced the Government's intention to appoint a number of women as special observers at the FNC. These observers are to learn the procedures of the FNC, and it is expected that some later may be appointed as members. The observers have not been named yet. In a magazine interview, Shaykha Fatima stated that women participate in the preparation of legislation dealing with social issues through recommendations made by the Women's Federation, and that women are only "steps away" from full political participation. At the same time, she emphasized her view that the eventual appointment of women to the FNC and other government positions would be "a responsibility rather than an honor," requiring careful prior preparation. Although the small Shi'a minority has enjoyed commercial success, few Shi'a Muslims have top positions in the Federal Government.

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

There are no independent human rights groups. Government restrictions on freedom of the press and public association make it difficult for such groups to investigate and publicly criticize the Government's human rights restrictions. A human rights section exists within Dubai Emirate's police force to monitor allegations of human rights abuses. Informal public discussions of human rights, press reports of international human rights forums' activities, and media coverage of selected local human rights problems, such as foreign workers' conditions, are increasing public awareness of human rights.

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

The Constitution provides for equality before the law with regard to race, nationality, religious beliefs, or social status. However, there is institutional and cultural discrimination based on sex, nationality, and religion.

Women.—There are reported cases of spousal abuse. Police units are stationed at major public hospitals so that victims of abuse may file complaints, or attending physicians may call upon the police to interview suspected victims of abuse. However, women sometimes are reluctant to file formal charges for social, cultural, and economic reasons. When abuse is reported the local police, authorities may take action to protect women from such abuse. The laws protect women from verbal abuse or harassment from men, and violators are subject to criminal action. There continue to be credible reports of abuse of female domestic servants by some local and foreign employers (see Section 6.e.).

Prostitution has become an increasingly open phenomenon in recent years, particularly in Dubai. Although no accurate statistics are available, substantial numbers of women appear to be arriving from the states of the former Soviet Union for temporary stays during which they engage in prostitution and possibly other activities connected with organized crime. Substantial numbers of prostitutes also appear to come from Africa and South Asia. During the year, Dubai police established special patrols in areas frequented by prostitutes in an effort to control the phenomenon.

Most women play a subordinate role in this family-centered society because of early marriages and traditional attitudes about women's activities and are allowed full ownership only of tailor shops and beauty parlors. Husbands may bar their wives and children from leaving the country (see Section 2.d.), and a married woman may not accept employment without her husband's written consent. Islamic law is applied in cases of divorce. Courts usually grant custody to the father regardless of the child's age in divorce cases. In most cases involving children under the age of 7 years, the mother is granted temporary custody, which then reverts to the father at the age of 7 years. Older children live with their fathers unless judicial authorities decide otherwise. A woman who remarries forfeits her right to the custody of children from a previous marriage. Islamic law permits polygyny.

Women are restricted from holding majority shares in most businesses. A woman's property is not commingled with that of her husband. Women who work outside the home do not receive equal benefits, such as housing, and may face discrimination in promotion. In June 1995, the Cabinet provisionally extended paid maternity leave for citizen women in the private sector to 3 months at full pay, an increase

from 45 days, and up to 1 year's leave at half pay and a second year's leave at quarter pay.

Opportunities for women have grown in government service, education, private business, and health services. According to government figures, 19.4 percent of the country's work force in 1995 was female. The Federal Government publicly has encouraged women to join the work force, ensuring public sector employment for all who apply. According to the available statistics, women constitute 100 percent of nursery school teachers, 55 percent of primary school teachers, 65 percent of intermediate and secondary school teachers, 54.3 percent of health care workers, and 39.8 percent of all government employees. Cultural barriers and the lack of economic necessity have limited female participation. A symposium promoting the rights of women in the labor force was held in 1996. Participants called for increasing rights granted to women including the elimination of the requirement that a husband give approval before his wife may work.

Women continue to make rapid progress in education. They constitute over 75 percent of the student body at the National University in Al-Ain, largely because women, unlike men, rarely study abroad. In 1998 the Government established Zayid University, a second state-run university, with campuses in Abu Dhabi and Dubai, exclusively for women.

Women officially are encouraged to continue their education, and government-sponsored women's centers provide adult education and technical training courses. The Federal armed forces accept female volunteers, who may enroll in a special training course that was started after the Gulf War. The Dubai Police College recruits women, many of whom are deployed at airports, immigration offices, and women's prisons. Over 200 women have graduated from the College so far.

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 the courts sentence women to prison for such an offense, local authorities hold the newborn children in a special facility until the mother's release and deportation. Children may remain in this facility longer in the event of a custody dispute. In Dubai Emirate, unmarried pregnant women must marry the father of the child; both parties are subject to arrest for fornication.

Children.—The Government is committed to the welfare of children. Children who are citizens receive free health care and education, and are ensured housing. A family also may be eligible to receive aid from the Ministry of Labor and Social Welfare for sons and daughters who are under the age of 18, unmarried, or disabled. There is no pattern of societal child abuse.

People with Disabilities.—There is no federal legislation requiring accessibility for the disabled. However, the Ministry of Labor and Social Affairs sponsors centers that provide facilities and services to the disabled. Services range from monthly social aid funds, special education, and transportation assistance, to sending a team to the Special Olympics.

National/Racial/Ethnic Minorities.—Discrimination based on national origin, while not legally sanctioned, is prevalent (see Section 2.d.). Employment, immigration, and security policy, as well as cultural attitudes towards foreign workers, are conditioned by national origin.

Section 6. Worker Rights

a. *The Right of Association.*—There are no unions and no strikes. The law does not grant workers the right to organize unions or to strike. Foreign workers, who make up the bulk of the work force, risk deportation if they attempt to organize unions or to strike.

Since July 1995, the UAE 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.

b. *The Right to Organize and Bargain Collectively.*—The law does not grant workers the right to engage in collective bargaining, and it is not practiced. Workers in the industrial and service sectors normally are employed under contracts that are subject to review by the Ministry of Labor and Social Affairs. The Ministry of Interior's Naturalization and Immigration Administration is responsible for reviewing the contracts of domestic employees as part of residency permit processing. The purpose of the review is to ensure that the pay satisfies the employee's basic needs and secures a means of living. For the resolution of work-related disputes, workers must rely on conciliation committees organized by the Ministry of Labor and Social Affairs or on special labor courts.

Labor laws do not cover government employees, domestic servants, and agricultural workers. The latter two groups face considerable difficulty in obtaining assistance to resolve disputes with employers. While any worker may seek redress

through the courts, this process puts a heavy financial burden on those in lower income brackets.

In Dubai's Jebel Ali Free Zone, the same labor laws apply as in the rest of the country.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is illegal and not practiced. However, some unscrupulous employment agents bring foreign workers to the country under conditions approaching indenture. The Government prohibits forced and bonded child labor and enforces this prohibition effectively. In July authorities acting on information provided by the Pakistani Embassy, located and repatriated an 8-year-old Pakistani boy who allegedly had been kidnaped to work as a camel jockey. Police reportedly are investigating several such cases; however, no charges were filed by year's end (See Sections 6.d. and 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Labor regulations prohibit employment of persons under the age of 15 and have special provisions for employing those 15 to 18 years of age. The Department of Labor enforces the regulations. Other regulations permit employers to engage only adult foreign workers. In 1993 the Government prohibited the use of children under the age of 15 as camel jockeys and of jockeys who do not weigh more than 99 pounds. The Camel Racing Association is responsible for enforcing these rules. However, many sources report that a significant number of camel jockeys are children under the minimum employment age (see Section 6.f.). Relevant labor laws often are not enforced, as those who own racing camels and employ the children come from powerful local families that are in effect above the law. In 1998 a local newspaper reported the hospitalization of a 5-year-old, 44-pound (20-kilogram), abandoned Bangladeshi child who had been used as a jockey and whose leg had been broken by a camel. Reports of underage camel jockeys continued to surface in the local press during the year. In July authorities, acting on information provided by the Pakistani Embassy, located and repatriated an 8-year-old Pakistani boy who allegedly had been kidnaped to work as a camel jockey. In August a 4-year-old boy from Bangladesh who had been used as a camel jockey was found wandering in the desert after being abandoned there by his handlers. Police reportedly are investigating several of these cases; however, no charges were filed by year's end. Otherwise, child labor is not permitted. The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively (see Section 6.c.). The Government does not issue visas for foreign workers under the age of 16 years. Education is compulsory through the intermediate stage, approximately the age of 13 or 14 years.

e. *Acceptable Conditions of Work.*—There is no legislated or administrative minimum wage. Supply and demand determine compensation. However, according to the Ministry of Labor and Social Affairs, there is an unofficial, unwritten minimum wage rate that would afford a worker and family a minimal standard of living. The Labor and Social Affairs Ministry reviews labor contracts and does not approve any contract that stipulates a clearly unacceptable wage (see Section 6.b.).

The standard workday and workweek are 8 hours per day, 6 days per week; however, these standards are not enforced strictly. Certain types of workers, notably domestic servants, may be obliged to work longer than the mandated standard hours. The law also provides for a minimum of 24 days per year of annual leave plus 10 national and religious holidays. In addition manual workers are not required to do outdoor work when the temperature exceeds 112 degrees Fahrenheit.

Most foreign workers receive either employer-provided housing or housing allowances, medical care, and homeward passage from their employers. Most foreign workers do not earn the minimum salary of $1,090 per month (or $817 per month, if a housing allowance is provided in addition to the salary) required to obtain residency permits for their families. Employers have the option to petition for a 6-month ban from the work force against any foreign employee who leaves his job without fulfilling the terms of his contract.

The Ministry of Health, the Ministry of Labor and Social Affairs, municipalities, and civil defense units enforce health and safety standards. The Government requires every large industrial concern to employ a certified occupational safety officer. An injured worker is entitled to fair compensation. Health standards are not observed uniformly in the housing camps that are provided for foreign workers. Workers' jobs are not protected if they remove themselves from what they consider to be unsafe working conditions. However, the Ministry of Labor and Social Affairs may require employers to reinstate workers who were dismissed for not performing unsafe work. All workers have the right to lodge grievances with Ministry officials, who make an effort to investigate all complaints. However, the Ministry is understaffed and underbudgeted; complaints and compensation claims are backlogged.

Rulings on complaints may be appealed within the Ministry and ultimately to the courts. However, many workers choose not to protest for fear of reprisals or deporta-

tion. The press periodically carries reports of abuses suffered by domestic servants, particularly women, at the hands of some employers. Allegations have included excessive work hours, nonpayment of wages, and verbal and physical abuse.

f. *Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; however, child smuggling is a crime.

There have been reports in recent years that underage boys are smuggled into the country and used as camel jockeys. For example, in 1998 a local newspaper reported the hospitalization of a 5-year-old, 44-pound, abandoned Bangladeshi child who had been used as a jockey and whose leg had been broken by a camel. Reports of underage camel jockeys continued to appear in the local press during the year. In July authorities, acting on information provided by the Pakistani Embassy, located and repatriated an 8-year-old Pakistani boy who allegedly had been kidnaped to work as a camel jockey. In August a 4-year-old boy from Bangladesh who had been used as a camel jockey was found wandering in the desert after being abandoned there by his handlers. There were reports that in some instances, South Asian boys, generally from Pakistan and Bangladesh, were smuggled into the country by small, organized groups. Police reportedly are investigating several of these cases; however, no charges were filed by year's end.

In 1993 the Government prohibited the use of children under the age of 15 as camel jockeys and of jockeys who do not weigh more than 99 pounds. The Camel Racing Association is responsible for enforcing these rules. However, many sources report that a significant number of camel jockeys are children under the minimum employment age. Relevant labor laws often are not enforced, as those who own racing camels and use the children come from powerful local families that are in effect above the law.

Although no accurate statistics are available, substantial numbers of women appear to be arriving from the states of the former Soviet Union for temporary stays during which they engage in prostitution and possibly other activities connected with organized crime. Substantial numbers of prostitutes also appear to come from Africa and South Asia (see Section 5).

YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic (YAR) and (southern) People's Democratic Republic of Yemen (PDRY), was proclaimed in 1990. Following a brief but bloody civil war in mid-1994, the country was reunified under the Sana'a-based government. Ali Abdullah Saleh is the President and leader of the General People's Congress (GPC). He was elected by the legislature to a 5-year term in 1994, and was elected to another 5-year term in the country's first nation-wide direct presidential election in September, winning 96.3 percent of the vote. 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 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 did not receive the minimum number of votes required to run from the GPC-dominated Parliament (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.

The first Parliament elected by universal adult suffrage was convened in 1993. Parliamentary elections were held again in 1997, with the Yemeni Socialist Party (YSP), formerly the main party of the PDRY and a previous coalition partner of the GPC, leading an opposition boycott. The GPC won an absolute majority in the 1997 Parliament, with Islaah the only other major party represented. International observers judged the elections as reasonably free and fair, while noting some problems with the voting. The Parliament is not yet an effective counterweight to executive authority, although it increasingly demonstrates independence from the Government. Real political power rests with the executive branch, particularly the President. The judiciary is nominally independent, but is 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. It is independent of the Ministry of Interior. The Criminal Investigative Department (CID) of the police conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), a part of the Ministry of Interior, maintains a paramilitary force. The civilian authorities do not maintain effective control of the security forces. Members of the se-

curity forces, particularly the PSO, committed numerous, serious human rights abuses.

Yemen is a very poor country, and over 40 percent of the population live in poverty. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and endemic corruption. Its annual per capita gross national product (GNP) fell from $325 in 1997 to $260 in 1998, but rose to $275 in 1999. Agriculture accounts for approximately 22 percent of GNP, industry for approximately 27 percent, and services for approximately 51 percent. Oil is the primary source of foreign exchange. Other exports include fish, agricultural products, cotton, and coffee. Remittances from citizens working abroad (primarily in Saudi Arabia) are also important. Remittances were reduced sharply after Saudi Arabia and other Gulf States expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's lack of support for the U.N. coalition. The Gulf states also suspended most assistance programs, and much Western aid was reduced. Foreign aid has begun to reemerge as an importance source of income. The unemployment rate is estimated at 40 percent, and is highest in the southern governorates, where, prior to unity, most adults were employed by the PDRY Government.

The Government's human rights record continues to be poor. There are significant limitations on citizens' right to change their government. There were instances of extrajudicial killing by some members of the security forces. Members of the security forces tortured and otherwise abused persons, and continued to arrest and to detain citizens arbitrarily, especially oppositionists in the south and other persons regarded as "secessionists." Prison conditions are poor and some detainees were held in private prisons not authorized by the Government. PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, they routinely monitor citizens' activities and search their homes, detain citizens for questioning, and mistreat detainees. In fact security forces sometimes countermand orders from the President and the Interior Ministry. The Government failed to hold members of the security forces accountable for abuses, although it investigated three security officers, subsequently convicted them of torturing a prisoner to death, fired them from their positions, and sentenced them to prison. Prolonged pretrial detention is a serious problem, and judicial corruption, inefficiency, and executive interference undermine due process. The Government continued to implement a comprehensive, long-term program for judicial reform, but its effect is not yet clear. The Constitution limits freedom of speech and of the press, and the Government frequently harassed, intimidated, and detained journalists. Journalists practice self-censorship. The Government at times limits freedom of assembly. The Government imposes some restrictions on freedom of religion. There were some limits on freedom of movement. Violence and discrimination against women are problems. Female genital mutilation is practiced on a limited scale, primarily along the coastal areas of the Red Sea. Although the practice is discouraged publicly, the authorities do not prohibit it. Discrimination against the disabled and racial and ethnic minorities, and to a lesser extent, religious minorities, is a problem. The Government influences labor unions. Child labor is a problem.

However, the Government continued to take some steps to address human rights problems. These steps included holding of the country's first direct presidential election, implementing limited political and legal reforms, displaying official receptiveness to and support for donor-funded democracy and human rights programs, and convicting three security officials for human rights abuses. In June the Government hosted the first Emerging Democracies Forum, a major international conference of 16 democratizing countries.

At the invitation of the authorities, delegations from the U.N. Human Rights Commission (UNHRC) and Amnesty International (AI) visited Yemen in 1998 to observe the human rights situation and make recommendations. One NGO, Penal Reform International (PRI), conducted a series of prison reform-related events from September 1998 to February. The Government continued to implement a comprehensive, long-term program for judicial reform.

A campaign of bombings—the devices sometimes were little more than noise bombs—continued throughout the year, particularly in the southern governorates, although at a far lower rate than in previous years. Observers attribute the bombings to tribal disputes, religious extremists, 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. *Political and Other Extrajudicial Killing.*—Security forces committed a number of extrajudicial killings. There were no reports that security forces killed or injured persons at checkpoints during the year, as had been reported in previous years.

In March forces from the paramilitary police Central Security Unit (CSU) under the command of Ahmed Nasser al-Dahiri used excessive force when they intervened to settle a land dispute in the village of Sa'eed in Al-Baida governorate. The incident began after local police intervened on behalf of one party and a police officer was killed. The police claim that the officer was killed by villagers; the villagers claim that he was a victim of the police's random firing into the crowd. Later that day, heavily armed CSU reinforcements arrived and occupied the village for 8 days (see Section 1.c.).

There was credible evidence that security forces killed a prisoner in detention in late 1997 or early 1998. Wadia al-Shaibani, a 22-year-old arrested in connection with the July 1997 bombings in Aden, apparently died after suffering a beating at the Soleyban police facility in Aden. Government authorities declined to investigate; they claimed that al-Shaibani committed suicide. The 1996 case of a YSP activist who died in police custody remained unresolved. The youth had been arrested following his participation in a peaceful demonstration in Mukallah. No member of the security forces has been charged in connection with his death. The Human Rights Committee of the Consultative Council (an advisory board to the President) in 1998 investigated the death of Wadia al-Shaibani; however, it was unable to persuade the authorities to investigate the death or to bring charges against security officials.

In July a court in Tawila in Al-Mahweet governorate convicted the town's security chief and two police officers of first-degree murder for torturing to death a teenager taken into their custody on theft charges in March. All three officials were fired. The security chief was sentenced to 10 years in jail and fined $19,000 (YR 93,000,000) in compensation to the victim's family. The two police officers each were sentenced to 5 years in jail.

In June 1998, the President established a committee to study the phenomenon of revenge killings and to make recommendations on how to combat that problem. There was no news on the committee's work or its findings at year's end.

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 escalate into violent confrontations (see Section 5).

Persons continued to be killed and injured in unexplained bombings and shootings that occurred during the year. In most cases, it was impossible to determine who was responsible for such acts or why they occurred, and there were no claims of responsibility. The Government accused southern oppositionists of perpetrating some incidents, but the opposition denied any involvement. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. In August four persons were killed in a massive explosion, which destroyed Sana'a's largest supermarket.

On December 28, 1998, a group of 16 western tourists was kidnaped by terrorists in Abyan governorate near Mudiyah. The next day, government forces surrounded the area and attempted a rescue operation. Four of the hostages and three of the terrorists were killed. There were varying reports as to whether the government forces inadvertently killed any of the hostages in the crossfire. However, at least two apparently were shot deliberately by the kidnapers. The Government has stated that its decision to intervene was based on its belief that the hostages' lives were in immediate danger. The trial of the four surviving terrorists including Aden-Abyan Islamic Army (AAIA) leader Zein Al-Abidine Al-Mihdar (also known as Abu Hassan) began in January, and in May they were found guilty. Abu Hassan, who during his trial publicly and repeatedly admitted to all charges against him, a second Yemeni, Abdallah Al-Jundaydi, and a Tunisian were sentenced to death; the remaining defendant was sentenced to 20 year's imprisonment. The Tunisian's sentence was commuted to 20 years at the first appellate review, and the Supreme Court in October commuted Al-Jundaydi's sentence to 20 years as well. However, Abu Hassan's death sentence was upheld by the Supreme Court in October and approved by President Saleh. He was executed by firing squad on October 17. There were no allegations of lack of due process in Abu Hassan's trial or during the subsequent appeal process. The trial of seven additional AAIA members on terrorism charges began in October, but it had not concluded by year's end (see Section 1.e.).

b. *Disappearance.*—Members of the security forces continue to arrest and detain citizens for varying periods of time without charge or notification to their families.

Many detainees are associated with the YSP or other opposition parties and are accused of being "secessionists." Most such disappearances are temporary, and detainees typically are released within weeks or months.

Following an April 1998 opposition demonstration in which two persons were killed, the authorities rounded up and detained a large number of demonstrators. The security forces released 14 of the detainees late in the next month. Other demonstrators were released soon thereafter. Later in 1998, the Hadramaut primary court announced that a trial would begin in the case of several oppositionists for their role in the violence, including Hassan Ba Oum, the leader of the YSP in Hadramaut governorate and head of the opposition coordination council; however, no trial was held. Ba Oum's whereabouts were unknown after the April 1998 demonstrations, and there were reports that he had disappeared during police custody. These reports turned out to be false. Ba Oum remained in seclusion for most of the year, communicating periodically with the press. In October he turned himself in to the Mukallah prosecutor's office. He was detained for questioning and released 5 days later without charges being placed against him.

In 1998 at the invitation of authorities, delegations from the UNHRC and AI visited the country to investigate the whereabouts of persons who have "disappeared" in custody since unification. In 1997 the Government had promised AI that it would look into 27 cases of persons who died after they reportedly "disappeared" while in government custody during the violence associated with the civil war in 1994. In its follow-up report issued in July, AI criticized the Government for not keeping this promise. The Government claims that it responded to AI and passed the results of its investigations to the UNHRC, but that the information AI provided was inadequate for effective investigation and conclusive action. AI has received no credible reports of disappearances in the last 5 years. Both the U.N. Committee on Disappearances and AI also continue to allege that there were hundreds of unresolved disappearances dating from the pre-union period in the former PDRY, particularly from its 1986 civil war. The Government asserts that it cannot be held responsible for cases that took place within the former PDRY prior to unity; however, it has set up a computer database in the Ministry of Foreign Relations to track disappearances, including those dating from the preunity period.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Victims include 21 foreign businessmen, diplomats, and tourists (12 men, 7 women, and 2 children), as well as a much higher number of citizens. The legal magazine al-Qistas, in a 1998 study that it conducted on 159 kidnapings perpetrated since unity, found that Sana'a, Marib, and Shabwa are the areas where a foreigner is most likely to be kidnaped. Kidnaping victims rarely are injured, and the authorities generally have been successful in obtaining the negotiated release of foreign hostages. However, kidnapings continue in part because the judiciary fails to impose sentences against accused kidnapers. Moreover, some families linked to kidnapings also are politically or tribally prominent or have links with such tribes. In most cases the kidnapings are settled out of court, with no suspects facing trial.

In August 1998, the Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnaping, murder, and banditry. Persons charged with helping a foreign state or gang in a kidnaping or theft by force face sentences of 10 to 15 years, subject to doubling if the instigators are military officers or otherwise employed by the state. The law was implemented for the first time in Taiz in late 1998, when a man was tried under the new law, convicted, and executed.

In October the Government announced the establishment of a special court in Sana'a and a Special Prosecutor to investigate and quickly try those accused of kidnaping foreigners, sabotaging oil pipelines, "carjacking," and other acts of sabotage.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution is ambiguous on its prohibition of cruel or inhuman punishment; however, members of the security forces tortured and otherwise abused persons in detention. Arresting authorities are known to use force during interrogations, especially against those arrested for violent crimes. Detainees sometimes are confined in leg-irons and shackles, despite the passage of a law in 1998 outlawing this practice.

The Government has acknowledged publicly that torture takes place but has claimed that the use of torture is not government policy. Nevertheless, the Government has not taken effective steps to end the practice or to punish those who commit such abuses. 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.

In April Sana'a municipality police arrested Naji Saleh Al-Khowlani for his alleged involvement in a car theft ring. Al-Khowlani was held for 2 months, during which time he reportedly was tortured during regular nightly interrogation sessions in which prison officials would attempt to elicit a confession and extract information by burning him with a cigarette lighter. A medical report documented burn marks and other injuries on Al-Khowlani's body.

In July a court convicted three security force officials of murder for torturing a teenager to death (see Section 1.a.).

The eight Britons and two Algerians arrested in December 1998 for possession of illegal weapons and explosives and conspiring to commit terrorist acts in Aden claimed during their trial during the year that they had been tortured; two of them claimed that they had been abused sexually (see Section 1.e.).

The trial of seven additional AAIA members on terrorism charges began in October. Two of the defendants are being tried in absentia, one has admitted to some of the charges against him, and the remaining four pled not guilty and claim that the prosecution coerced and tortured them into making self-incriminating statements and confessions (see Section 1.e.). The judge issued a ruling prohibiting the publication of details about the trial.

In 1998 several individuals on trial in Aden in connection with a series of bombings in 1997 testified publicly that they had been tortured. One defendant claimed that he had been raped while in custody. There is credible evidence that one other person arrested in connection with the same bombings died as a result of beatings inflicted by security officials. According to eyewitnesses who also claimed to have been tortured, Wadia al-Shaibani was first beaten in a criminal security office in Aden, then transferred to the Soleyban police facility, were he was tortured to death (see Section 1.a.). No charges have been filed.

In a related case in 1998 in which 31 persons were accused of conspiracy in Mahra governorate in 1997, several of the suspects claimed that they had confessed only because they had been tortured. Defense attorneys asserted the existence of films that would prove their clients' allegations that they had been beaten, and asked the judge to view the films. The judge denied this request. In late October 1998, the court sentenced three of the defendants to death, found one innocent, and sentenced the others to jail for periods ranging from 6 to 10 years (see Section 1.e.).

Some cases of torture by security officials have been referred to the courts. In July three officials were convicted of torturing a teenager to death (see Section 1.a.). In November 1998, three officers from the Criminal Investigation Department of the Interior Ministry were arrested, tried, and convicted of torturing Khaled Abdul-Bari al-Qadhi, a witness in a family dispute case. One of the officers, Hisham al-Ghazali, head of the Interior Ministry's antiterrorism unit, had been implicated in the abuse of defendants in the 1997 Aden bombing case. However, in January President Saleh commuted the sentences of all three officers.

Police used excessive force in March when they intervened to settle a land dispute in the village of Sa'eed in Al-Baida governorate. Heavily armed CSU forces occupied the village for 8 days. During this period, they evicted residents from their homes, looted villagers' property and livestock, vandalized the village school and mosque, and filled a small pond that was the village's only source of drinking water with rocks. Many villagers, including the other party to the land dispute, fled into the mountains. CSU officers detained eight villagers until residents that they considered fugitives from justice surrendered.

Police also used excessive force and abused their authority in other instances. In May two soldiers were killed and several armed citizens were injured in 2 days of intense fighting between security personnel and citizens in the village of Quradah in Taiz governorate. The confrontation began when armed villagers attempted forcibly to prevent the carrying out of orders reportedly given by Colonel Abdullah Al-Qadhi, commander of the Taiz military headquarters, that well water in Quradah be shared with citizens in the neighboring village of Al-Marzah. Al-Qadhi had no jurisdiction over water allocation, which is a civil matter. Security personnel used artillery, bazookas, and heavy battle equipment to put down the armed protest.

Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). There have been no reports of amputations since 1991. However, a small number of persons who have been found guilty of theft and sentenced to amputation remain in jail awaiting the implementation of their sentences. The Shari'a-based law permits physical punishment such as flogging for minor crimes (for example, the penalty for the consumption of alcohol is 80 lashes). The law also provides for the ritual display in public of the bodies of executed criminals. The ostensible purpose of this practice is to demonstrate to the families of victims that justice has been served and to prevent blood feuds between tribes. In August the bodies

of two men executed for raping and then murdering an 11-year-old boy were displayed publicly in Dhamar governorate.

Prison conditions are poor and do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions are poor, and food and health care are inadequate. Inmates depend on relatives for food and medicine. Many inmates lack mattresses or bedding. Prison authorities often exact money from prisoners and refuse to release prisoners until family members pay a bribe. Tribal leaders misuse 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. Refugees, persons with mental problems, and illegal immigrants sometimes are arrested without charge and placed in prisons alongside criminals.

Conditions are equally poor in women's prisons, where children are likely to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remain in prison with their mothers. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly are held in jail past the expiration of their sentences because their male relatives refuse to authorize their release due to the shame associated with their alleged behavior. Female prisoners sometimes are subjected to sexual harassment and violent interrogation by male police and prison officials.

In April the chairman of Sana'a governorate's prosecutor's office, Salem Ahmed Al-Shaiba, inspected several illegal prisons operated by the Sana'a governor's office and sent his findings to the Attorney General. According to Al-Shaiba's findings, 19 individuals had been imprisoned beyond their legal sentence; several prisoners were being detained in handcuffs illegally; numerous individuals were being detained illegally in connection with civil or commercial cases or because they had disobeyed a tribal sheikh; and 43 persons from 1 region (Shibam Al-Gharas) were being detained on the same charge (shooting at a truck). Al-Shaiba informed the Attorney General that he had requested then-Sana'a governor Naji Al-Sufi to release the illegally imprisoned individuals, but that the governor had taken no action. In July Al-Shaiba reported being harassed by then-governor Al-Sufi. The Attorney General took no action on the findings of the inspection report. Al-Shaiba took a voluntary leave of absence from his post and subsequently was transferred to the Judicial Inspection Unit in the Attorney General's office. Governor Al-Sufi was relieved of his post in October (see Section 1.e.).

Government participated in a series of events from September 1998 to February that were conducted by Penal Reform International (PRI), with support from a foreign embassy and the Taiz-based Human Rights Information and Training Center. These included a 2-day seminar on penal reform and a week-long prison management training session in which officials from five prisons participated. The final event of the program, a wrap-up session that would have brought the participants together to compare notes and evaluate progress, could not take place because of unspecified problems that arose between the Government and PRI. However, donor-government relations on prison reform remain good. The Ministry of Interior has expressed interest in further cooperation but has indicated a preference for working with experts with direct experience in prison management.

The Government tightly controls access to detention facilities by nongovernmental organizations (NGO's), although it sometimes permits local and international human rights monitors access to persons accused of crimes. The PSO also does not permit access to its detention centers. The Government claims that it does not hold political prisoners.

Early in the year, the Supreme National Committee for Human Rights visited Sana'a central prison and, after finding that minors were being incarcerated with adults, arranged for them to be incarcerated separately in two age groups, 11 to 14 years of age and 15 to 18 years of age. In October 50 juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs where they are to attend school and participate in other activities (see Sections 4 and 5). The Committee also initiated a project to build, with the support of local businessman, the country's first youth reformatory (see Section 4).

The Human Rights Committee of the Consultative Council continued to conduct spot checks of prisons and to arrange for the expeditious release of persons held improperly.

d. *Arbitrary Arrest, Detention, or Exile.*—The law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law is 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 be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices.

During the year, there was a significant increase in the number of incidents in which journalists were detained briefly for questioning concerning articles that they wrote that were critical of the Government or that the Government considered sensitive (see Section 2.a.).

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 are provisions for bail. In practice many authorities abide by these provisions only if bribed. Defense lawyers claimed that the eight Britons and two Algerians arrested in December 1998 for possessing illegal weapons and explosives and conspiring to commit terrorist acts in Aden (see Section 1.e.) were denied their right to legal counsel. They also contended that defense doctors were not allowed to examine their clients in order to investigate allegations of torture and sexual abuse until several months later. The trial concluded in August, although according to the law, the violation of the right to counsel should have suspended the case.

Citizens regularly complained that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in the bombings and explosions that continued to occur in the south during the year. Security forces sometimes detained demonstrators (see Section 2.b.). In August then-governor of Sana'a Naji al-Sufi reportedly ordered the arrest of Hafed Fadhil, a lawyer representing the opposing party in a case involving one of the governor's friends. In September he illegally detained Judge Mohammed Saad Amer, a member of the Sana'a appeals court, for 2 days (see Section 1.e.).

In cases where a criminal suspect is at large, security forces sometimes detain a relative while the suspect is being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, commonly is used to settle cases.

The Government has failed to ensure that detainees and prisoners are incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operate extrajudicial detention facilities. A large percentage of the total prison population consists of pretrial detainees. Thousands of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences.

While a few cases of those being held without charge have been redressed through the efforts of local human rights groups (and a few illegally detained prisoners released), the authorities have done nothing to investigate or resolve these cases.

Unauthorized, private prisons also exist in tribal areas, where the Government exercises little authority. Persons detained in these prisons often are held for strictly personal reasons and without trial or sentencing.

The Government does not use forced exile. However, at the end of the 1994 civil war, 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, they are subject to arrest if they return. The trial of the so-called "16" concluded in March 1998 (see Section 1.c.).

e. *Denial of Fair Public Trial.*—The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary is not fully independent, is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to enforce judgments. Judges are appointed by the executive branch, and some have been harassed, reassigned, or removed from office following rulings against the Government. For example there are credible reports that during the year that the presidential appointee, then-governor of Sana'a, Naji al-Sufi, repeatedly interfered with and attempted to intimidate members of the judiciary, especially judges who made rulings that he did not like. In May he ordered police to surround the house of and arrest Judge Mohammed Bin Ali Luqman, head judge on the Haraz court in Sana'a governorate. In July he harassed the chairman of Sana'a governorate's prosecutor's office, Salem Ahmed Al-Shaiba, after Al-Shaiba reported to the Attorney General that the governor's office was running illegal prisons (see Section 1.c.). In August he instructed armed guards to bring Hafed Fadhil, a lawyer representing the opposing party in a case involving one of the governor's friends, to the governorate's illegal jail, where he was assaulted by Al-Sufi and detained for the rest of the day. In September governor Al-Sufi detained Judge Mohammed Saad Amer, a member of the Sana'a appeals court, for 2 days. Governor Al-Sufi was relieved of his post in October, but no legal action was taken against him. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or the facts of the case. Many judges are poorly trained, and some

closely associated with the Government often render decisions favorable to it. The judiciary is hampered further by the Government's frequent reluctance to enforce judgments.

There are five types of courts: criminal; civil (for example, divorce and inheritance); administrative; commercial; and military.

All courts are governed by Shari'a. There are no jury trials under Shari'a. Criminal cases are adjudicated by a judge who plays an active role in questioning witnesses and the accused. By law the Government must provide attorneys for indigent defendants. However, in practice this never occurs; neither the Criminal Code nor the judicial budget allows for defense attorneys.

By law prosecutors are a part of the judiciary and independent of the Government. However, in practice prosecutors look upon themselves as an extension of the police. They do not receive the normal judicial training that judges do, nor do they practice their legal obligation to penalize police who delay reporting arrests and detentions.

Defense attorneys are 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 are 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 seen the decisions enforced.

In addition to regular courts, the law permits a system of tribal adjudication. The results of such mediation carry the same weight as court judgments. Persons jailed under the tribal system usually are not charged formally with a crime.

Prior to unification, approximately half of the judges working in southern Yemen were women. However, after the 1994 civil war, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although two female judges continue to practice in Aden, there are no female judges in northern courts.

The Government continued the program it began in late 1997 to reform the judiciary. This comprehensive, long-term reform program intended to improve the operational efficiency and statutory independence of the judiciary by putting reform-minded personnel into the courts; forming an inter-ministerial council to oversee the reform project; publishing a judicial code of ethics; and making the Supreme Court smaller, more efficient, and less corrupt. Foreign donors have offered to provide assistance in implementing judicial reform, which the Government has accepted. However, the reform program's effect is not yet clear, and there were no major developments during the year.

In February a U.N. Development Program team visited the country to conduct an assessment that would serve as the basis of a second judicial reform program, which was scheduled to begin in January 2000 and end in 2002. In March the team noted the Government's willingness to address longstanding issues of accountability and transparency, and to implement laws more effectively. The program's goals are to modernize Ministry of Justice equipment, improve the country's legal libraries, provide special training for the Attorney General's office, enhance public awareness of the rule of law, and secure a building for the Supreme Court. At year's end, the proposed program had not been funded.

Other judicial reform programs financed by international assistance are intended to focus on the Ministries of Justice and of Legal and Parliamentary Affairs and finance training in business and commercial law for judges; a diagnostic study of judicial education curriculum; training on drafting of legislation; and a review of the country's commercial laws to identify and fix gaps or inconsistencies. At year's end, no date was scheduled for the program to begin.

The security services made several arrests, brought charges, and put on trial a number of persons alleged to be linked to various shootings, explosions, bombings, and other acts of violence that continued throughout the year. Citizens and human rights groups alleged frequently that the judiciary was not observing due process standards in these cases.

Arrested in December 1998, eight Britons and two Algerians were tried from February to August in Aden on charges of possessing illegal weapons and explosives and conspiring to commit terrorist acts. The 6-month trial did not meet minimum international standards for due process. Defense lawyers claimed that the prosecution lacked adequate evidence and that the defendants were tortured, sexually abused, and denied access to their lawyers (see Section 1.c.). In early August, the court sentenced the main suspects, the 18-year-old stepson and 17-year-old son of Islamic militant Abu Hamza al-Masri, to jail terms of 7 and 3 years, respectively. Yemen has accused al-Mari, head of the London-based organization Supporters of Shari'a, of involvement with the AAIA, which has carried out at least one terrorist

act in Yemen. Five other defendants received jail terms ranging from 5 to 7 years. The seven defendants appealed the verdict. Two of the Britons received 7-month sentences and were ordered released for time served; another, for reasons of poor health, was ordered released for time served in early summer. Their release was delayed because both the defense and the prosecution appealed the verdicts. The Appeals Court upheld the verdicts, and the three were released. They returned to the United Kingdom in October.

The trial of seven additional AAIA members on terrorism charges began in October. Two of the defendants are being tried in absentia, one has admitted to some of the charges against him, and the remaining four pled not guilty and claim that the prosecution coerced and tortured them into making self-incriminating statements and confessions (see Section 1.c.). The judge issued a ruling prohibiting the publication of details about the trial.

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 the claim.

At the end of the 1994 civil war, the President pardoned nearly all had who fought against the central Government, including military personnel and most leaders of the unrecognized DRY. The Government denied amnesty to the 16 most senior leaders of the DRY (one of whom is now presumed dead), who fled abroad and who are subject to arrest if they return. In 1997 and 1998, the so-called "16" were tried in absentia on various charges including forming a secessionist government, conspiracy, and forming a separate military. All but two were found guilty, and in March 1998, a judge sentenced five of the defendants to death and three to 10 years in jail. Six persons received suspended sentences, and two were acquitted. Many opposition figures have urged the President to issue an amnesty for those who received sentences, in the interest of promoting reconciliation between north and south. The President has stated that it is up to the judicial system to pass judgment. Defense attorneys have appealed to a higher court. No judgment has yet been rendered.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Despite constitutional provisions against government interference with privacy, security forces routinely search homes and private offices, monitor telephones, read personal mail, and otherwise intrude into personal matters for alleged security reasons. Such activities are conducted without legally issued warrants or judicial supervision. Security forces regularly monitor telephone conversations and interfere with the telephone service of government critics and opponents. Security forces sometimes detain relatives of suspects (see Section 1.d.). Government informers monitor meetings and assemblies (see Section 2.b.).

The law prohibits arrests between the hours of sundown and dawn. However, persons suspected of crimes sometimes are taken from their homes in the middle of the night, without search warrants.

In March security forces occupied the village of Sa'eed in Al-Baida governorate evicted residents from their homes, looted villagers' property and livestock, and vandalized the village school and mosque (see Section 1.a.).

Jews traditionally face social (but not legal) restrictions on their residence and their employment (see Section 5).

According to a 1995 Ministry of Interior regulation, 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.

An estimated 5,000 persons use the Internet and 3,540 persons subscribe to it. The Government does not impose restrictions on Internet use, but most persons find that equipment and subscriptions costs are prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, is the country's sole Internet service provider. According to Teleyemen (see Section 2.a.), the Government blocks sexually explicit websites; however, with the exception of mowj.com, which is the website of the Yemeni National Opposition Front (MOWJ), it does not block politically oriented websites. For example Abu Hamza's web page (see Section 1.e.) is not blocked. There are no indications that Internet usage is monitored by the Government, and there are no reports that it has ever taken action against Internet users.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution restricts freedom of speech and of the press "within the limits of the law," and the Government influences the media and limits press freedom. Some security officials attempt to influence press

coverage by threatening, harassing, and detaining journalists. Although most citizens are uninhibited in their private discussions of domestic and foreign policies, some are cautious in public, fearing harassment for criticism of the Government. The Press Law criminalizes "the humiliation of the State, the Cabinet, or parliamentary institutions," and the publication of "false information" that "threatens public order or the public interest.

The relative freedom of the press permitted between unification (1990) and the civil war (1994) has not been reestablished. An atmosphere of government pressure on independent and political party journals continues that was not present before the civil war. The international human rights group, the Committee to Protect Journalists, criticized the Government for restrictions, harassment, and arbitrary detention directed at journalists.

The Ministry of Information influences the media by its control of most printing presses, by subsidies to certain newspapers, and by its ownership of the country's sole television and radio outlets. Only one newspaper, the thrice-weekly Aden independent Al-Ayyam, owns its own press. The Government selects the items to be covered in news broadcasts, and often does not permit broadcast reporting critical of the Government. However, during the presidential election campaign, the media extensively covered both candidates and reported in full the many critical comments made by the President's opponent. The Government televises parliamentary debates but may edit them selectively to delete criticism.

In 1998 the Government implemented regulations for the 1990 Press Law. The new regulations specify, among other things, that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about $4,375 (YR 700,00) in operating capital. Some journalists welcomed the new regulations, saying that they were long overdue. Others claimed that they were designed to drive some opposition newspapers out of business.

Although newspapers are allowed to criticize the Government, journalists sometimes censor themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, and official corruption. The penalties for exceeding these self-imposed limits can be arrest for libel, dismissal from employment, or extralegal harassment. Some journalists reported being threatened by security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad, although enforcement of this restriction is irregular (see Section 2.d.).

During the year there was a significant increase in incidents in which journalists were detained for questioning for short periods of time for writing articles that were critical of the Government or that the Government considered touched on sensitive subjects. For example, in 1 week in May, six newspapers (Yemen Times, Al-Ayyam, Al-Shoura, Al-Thawri, Al-Wahdawi, and Al-Haq) were summoned to appear before the Special Media Court for violating the Press Law. However, most individual journalists and the Yemeni Journalists Syndicate acknowledge that there was a decrease during the year in incidents of extralegal governmental harassment.

Beginning in late December 1998, the Ministry of Information closed the independent weekly newspaper Al-Ray Al-Amm for 5 months for publishing an article critical of the Government of Saudi Arabia. The newspaper reopened in May.

From mid-December 1998 through late January, security officials in Marib detained Hassan al-Zaidi, a Yemen Times correspondent, and a German journalist who were investigating the kidnaping of a German citizen by tribesmen in the region.

In February PSO officials detained Nu'man Qaid Seif, editor in chief of the opposition Al-Shoura newspaper, for 3 days on the charge of disseminating false information. Seif had written an editorial on corruption critical of President Saleh entitled "The President Is Urged to Fight Corruption."

In February the Ministry of Information closed Al-Shoura newspaper, the newspaper of the Islamist opposition party Union of Popular Forces (UPF), as well as a new, competing version of the same newspaper. The second Al-Shoura appeared following an ideological split in the UPF. Under the Press Law, it is illegal for more than one newspaper to use the same name. Some journalists allege that the Government financed the second Al-Shoura in order to create a pretext to shut down the outspokenly critical original Al-Shoura. A court in April allowed the original Al-Shoura to resume publication and upheld the suspension of the second Al-Shoura, but in September an appeals court ordered the original newspaper to cease publication pending the Supreme Court's decision as to which faction had the right to Al-Shoura's name. At year's end the case remained unresolved.

In March security officials imprisoned Abdul Latif Kutbi Omar, editor in chief of the opposition Rabeta Party-affiliated Al-Haq newspaper, for 4 days for publishing

an article claiming that the Government had granted the United States the right to operate a military base on Socotra Island. Some journalists report that authorities suspect Omar of having links to the London-based secessionist leader Abdul-Rahman al-Jiffri, who fled Yemen in 1994 and who now heads the Yemeni National Opposition Front (MOWJ) (see Section 1.e.).

In May four masked armed men severely beat Saif al-Hadheri, the editor in chief of the independent weekly Al-Shumua. A few days prior to the assault, the newspaper published an editorial on corruption that directly criticized the Minister of Finance. The Yemeni Journalists Syndicate and the Committee to Protect Journalists called on the Minister of Interior to investigate the assault. However, a court determined that the issue was personal and dismissed the case.

Also in May, the Ministry of Information threatened to close the Aden weekly Al-Ayyam, the largest-circulating newspaper in the country, after it published an editorial entitled "Let's Talk about Unity from a Social Perspective," which criticized the structure of local government, whereby southern provinces are governed by officials from the north. The Ministry claimed that the editorial instigated "national feuds," separatism, and harmed national unity. Journalist Ali Haitham al-Ghareeb was arrested and held for 5 days. Editor Hisham Ba Sharahil was summoned by state prosecutors and questioned for 4 hours. Ba Sharahil was charged with violating a January court order banning publication of court proceedings of the trial of a group of British nationals whom the Government alleged had conspired to commit acts of terrorism in Yemen; Al-Ayyam had published comments made by the defense lawyer to the British Broadcasting Corporation (BBC). Ghareeb was sentenced to a 10-month suspended prison term. Ba Sharahil received a 6-month suspended sentence and a $62.50 (YR 10,000) fine.

In June the Government filed a case against Ahmen al-Ashwal, a journalist for Al-Wahdawi newspaper, for publishing an article about corruption in the selection of teachers at Sana'a University. He was fined $62.50 (YR 10,000).

In June security forces arrested Hassan Bin Husainoon, a journalist with Al-Haq newspaper, for writing an article entitled "In Hadramout there are Non-Unity Practices," which alleged that officials in Hadramout governorate discriminate among residents. In October a court suspended publication of Al-Haq for 1 month for inciting "sectarianism" and "regionalism," and fined editor Abdel Latif Al-Kutbi $250 (40,000 riyals) and Husainoon and two other journalists, Ismail Al-Riashi and Abdullah Ilamadi, $62.50 (10,000 riyals).

In August journalist and lawyer Nabil al-Amoudi was brought before the Abyan preliminary court for writing an article critical of the Government and the human rights situation in Yemen. The case still was pending at year's end, but al-Amoudi is not imprisoned.

In August Jamal Ahmed Amer, editor of Al-Wahdawi newspaper and member of the opposition Nasserite Party, was detained and held incommunicado for 6 days for writing an article critical of Yemeni-Saudi Arabian relations. The Minister of Interior personally questioned Amer by telephone. Al-Wahdawi's editor, Abdelaziz Sultan, also was called for questioning and interrogated personally by the Minister of Information. Amer has filed a suit against the Minister of Interior, which still is pending. Also in August, security officials detained Jamil al-Samit, a journalist for the Taiz-based official newspaper Al-Jumhurriyah, for writing an article about the use of excessive force by the military in putting down a civilian protest in Quradah (see Section 1.a.). He remains imprisoned in Taiz central prison.

In September Al-Ayyam's editor Hisham Ba Sharahil twice was called to the Aden prosecutor's office for questioning. He first was called in connection to the publication in August of an interview with Islamic militant Abu Hamza al-Masri (see Section 1.e.), then was summoned a few days later, for publication in July of an opposition statement that allegedly misquoted the Koran.

In October 1998, three journalists from Al-Thawri, the newspaper of the Yemen Socialist Party, were acquitted of all charges related to the case brought against them by the Sana'a prosecutor's office in relation to articles criticizing the Government.

The editor of Al-Shoura, the newspaper of the Islamist opposition party UPF, stated in August that traditional mediation and a published apology effectively had ended the case brought against the newspaper by the Government in 1995. The case involved two journalists who had been found guilty of slander and character assassination against an important sheikh, a leader of the Islaah party. The judge ordered that the newspaper be closed and that the journalists be flogged with 80 lashes, stopped from working for 1 year, and fined $625 (YR 100,000). The Ministry of Justice suspended this judgment while reviewing its conformity with law and judicial procedure.

After he died in a traffic accident in June, the Special Media Court terminated the case that it had filed against Abdul Aziz al-Saqqaf, the editor of the English-language weekly Yemen Times, for publishing a story questioning the disposition of government profits from oil exports. The Yemen Times requested that the case be continued, arguing that the charges involved the newspaper's journalism, not Al-Saqqaf personally, but the judge sustained his ruling.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. For example in September it sponsored a symposium on "Media and Its Role in Spreading a Human Rights Culture." Critics claim that the Syndicate has too many nonjournalist members who support government policy. In the spring, 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. The Ministry of Information routinely delayed the distribution of international Arabic-language dailies such as Al-Hayat and Al-Sharq Al-Awsat in an apparent effort to decrease their sales in the country. For several days in February, the Ministry banned sales of Al-Hayat because it published a threat from the Aden-Abyan Islamic Army against foreign ambassadors in Sana'a, and Al-Sharq Al-Awsat because it printed allegations that Yemen was providing arms to the Aideed faction in Somalia and supporting Eritrea in that country's war with Ethiopia.

An author must obtain a permit from the Ministry of Culture to publish a book. Most books are approved, but the process is time-consuming for the author. The author must submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text. It then 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.

An estimated 5,000 persons use the Internet and 3,540 persons subscribe to it. The Government does not impose restrictions on Internet use, but most persons find that equipment and subscriptions costs are prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, is the country's sole Internet service provider. With the exception of mowj.com, the website of the Yemeni National Opposition Front, the Government does not block politically oriented websites (see Section 1.f.).

Academic freedom is restricted somewhat because of the extreme politicization of university campuses. A majority of professors and students align themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitors the activities of the other. Top administrative positions usually are awarded to political allies of these two major parties.

b. *Freedom of Peaceful Assembly and Association.*—There are no constitutional restrictions on the right to assemble peacefully; however, the Government limited this right in practice. The Government claims that it bans and disrupts some demonstrations to prevent them from degenerating into riots and violence. The Government requires a permit for these purposes, but it issues them routinely. Government informers monitor meetings and assemblies. Following the demonstrations of June and July 1998, the Government sent a draft law to Parliament in September 1998 that would impose significant limitations on the right to assemble and to demonstrate. The draft law was criticized by many lawyers, human rights activists, and members of Parliament. The Parliament continues to withhold action on this proposed law.

In April security authorities banned a rally by the Yemeni Socialist Party in Al Dali governorate to commemorate the deaths of the two persons who were killed by police during violent demonstrations in Mukallah in April 1998. YSP leaders claimed the authorities banned the demonstration under the pretext that there is no law to regulate marches and demonstrations.

In July police refused to allow students at Sana'a University to organize a demonstration to protest the university's system of administering examinations.

There are no constitutional restrictions on the freedom of association, and the Government generally respects this right in practice. Associations must obtain an operating license from the Ministry of Labor, usually a routine matter.

c. *Freedom of Religion.*—Islam is the state religion, and although followers of other religions are free to worship according to their beliefs, the Government places some restrictions on religious practice; it bans proselytizing by non-Muslims and forbids conversions.

Virtually all citizens are Muslims, either of the Zaydi branch of Shi'a Islam or the Shafa'i branch of Sunni Islam. There are also some Ismailis in the north. Private Islamic organizations may maintain ties to pan-Islamic organizations and operate schools, but the Government monitors their activities.

Most Christians are foreign residents, except for a few families of Indian origin in Aden. There are several churches and Hindu temples in Aden, but no non-Muslim public places of worship exist in the former North Yemen. The Government does not allow the building of new non-Muslim places of worship without permission. Church services are held regularly without harassment in private homes or facilities such as schools. However, security forces occasionally censor the mail of Christian clergy who minister to the foreign community, ostensibly to prevent proselytizing.

Christian missionaries operate in Yemen and most are dedicated to the provision of medical services; others are employed in teaching and social services.

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 has been charged or prosecuted by government authorities.

Nearly all of the country's once sizable Jewish population has emigrated. There are no legal restrictions on the few hundred Jews who remain, although there are traditional restrictions on places of residence and choice of employment (see Section 5).

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, 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 any previous owner.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—There were some limits on freedom of movement. In general the Government does not obstruct domestic travel, although the army and security forces maintain checkpoints on major roads. There were no reports that security forces killed or injured persons at checkpoints during the year, as had been reported in previous years (see Section 1.a.).

In certain areas, armed tribesmen occasionally man checkpoints alongside military or security officials, and subject travelers to physical harassment, bribe demands, or theft.

The Government does not obstruct routinely foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. Women must obtain permission from a male relative before applying for a passport or departing the country. Enforcement of the restrictions on journalists and women is irregular.

Immigrants and refugees traveling within the country often are required by security officials at government checkpoints to show that they possess resident status or refugee identification cards.

The law does not include provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government has granted refugee status to some persons and resettled them.

The Government in 1998 offered first asylum to 13,937 Somalis, who fled the fighting in that country. This brought the total number of registered Somali refugees in the country to 57,400. The Government also cooperated with the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees from Eritrea (2,500 persons), Ethiopia (2,600 persons) and various other countries (150 persons). The Government permitted the UNHCR to monitor the situation of 2,000 Iraqis in Yemen.

Approximately 47,300 Somali refugees have been integrated into society and are no longer receiving food or financial assistance from the UNHCR. However, they still are eligible for medical treatment at UNHCR facilities in Aden and Sana'a. Also, the UNHCR provides small loans to refugee women who wish to initiate income-generating activities.

The UNHCR provides food and medical assistance for up to 10,500 Somalis and Ethiopians in a temporary refugee camp at al-Jahin in Abyan governorate. Children receive schooling in the camp, and adults are eligible for vocational training. The Government in 1998 approved a new UNHCR facility to be built at a site in Lahaj governorate, and at year's end, it was under construction. The UNHCR, in coordination with the Government, issues identification cards to Somali refugees and recognized cases of other nationalities.

The UNHCR reports that the Government consults with it prior to returning illegal immigrants to their countries of origin in order to avoid the involuntary repatriation of refugees with a credible fear of persecution. There were no reports of the

forced return of persons to a country where they feared persecution. The UNHCR facilitated the voluntary repatriation of some Eritrean and Ethiopian refugees, as well as the voluntary return of 1,659 Somali refugees to areas of Somalia that are considered safe.

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 significant limitations in practice. The Government is by law accountable to the Parliament; however, the Parliament is not yet an effective counterweight to executive authority. Decisionmaking and real political power still rest 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 Yemen's international commitments.

The President appoints the Prime Minister, who forms the Government. The Cabinet consists of 24 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993.

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, winning 96.3 percent of the vote. 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 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 the minimum number of votes required to run from the GPC-dominated Parliament (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.

International observers judged the 1997 parliamentary elections as "reasonably free and fair" despite some problems associated with the voting.

The President has the authority to introduce legislation and promulgate laws by decree when Parliament is not in session. Decrees must be approved by Parliament 30 days after reconvening. In theory if a decree is not approved, it does not become law; in practice, a decree remains in effect unless it is later affirmatively rejected by Parliament. Although the Constitution also permits Parliament to initiate legislation, to date it has not done so. Parliament generally is relegated to debating policies that the Government already has submitted, although it sometimes successfully revises or opposes draft legislation submitted by the Government. Despite the fact that the President's party enjoys an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government, and on occasion it has forced significant modification. The Parliament also has criticized strongly the Government for some actions, including the lifting of subsidies that led to widespread violence in June 1998. Ministers frequently are called to Parliament to defend actions, policies, or proposed legislation, and parliamentarians are sometimes sharply critical during these sessions. Parliamentarians and parliamentary staff attended foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

The President is advised by the 58-member Consultative Council, a board of appointed notables chaired by a former prime minister. The Council advises the President on a range of issues but has no constitutional 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. In some governorates, tribal leaders exercise considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas is often weak.

The multiparty system remains weak. The GPC dominates the Parliament, and Islaah is the only other party of significance. 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 contend that they cannot organize new parties because of the prohibitively high legal requirements on the minimum number of members and leaders. Twelve parties participated in the 1997 elections, compared with 16 in 1993. The YSP and several smaller parties boycotted the 1997 elections, leading to lower voter turnout in the south. These same parties also boycotted the country's first nationwide direct presidential election in September. There was no significant violence associated with this election.

The Government provides financial support to political parties, including a small stipend to publish their own newspapers.

Although women vote and hold office, these rights often are limited by cultural norms and religious customs; and women are underrepresented in Government and politics. 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. Many Akhdam, a small ethnic minority that may be descendants of African slaves, are not permitted to participate in the political process, mainly due to their inability to obtain citizenship. There are no longer any credible reports that members of religious minorities are not permitted to participate in the political process.

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 years since unification. Several groups held workshops and other activities during the year without government interference and often with government support.

The Government cooperates with NGO's, although NGO's complain that there is a lack of response to their requests from government officials. The Government's ability to be responsive is limited in part by a lack of material and human resources. In 1998 the Government introduced a new draft law for regulating the formation and activities of NGO's. While more liberal than the law it is designed to replace, the proposal still contains significant limitations on such organizations. The Parliament again failed to take any action on the proposed new law during the year.

Several new NGO's devoted to human rights education and democratization were formed during the year. The most notable among them are: Al Nushataa, or "The Activists," a group formed by former members of the Yemeni Human Rights Organization, whose first activity was an art show on human rights at the French cultural center; the Organization of the Defense of Human Rights, a lawyers' group formed by the attorney and parliamentarian Mohamed Naji Alao; and the National Center for Human Rights and Democratic Development, an NGO formed in September by journalist Jamal Awadi. None of these groups is funded by the Government.

The Taiz-based Human Rights Information and Training Center (HRITC), perhaps the country's most respected human rights NGO sponsored training workshops for other NGO's. Several donors have supported the HRITC. The HRITC, in cooperation with a foreign embassy, coordinated the series of events conducted by Penal Reform International from September 1998 to February (see Section 1.c.).

The Yemeni Organization for the Defense of Liberties and Human Rights, the only NGO without government sponsorship that engages in human rights advocacy as such, is based in Aden. Although the organization continued to suffer from a lack of funds, it actively publicized human rights abuses, particularly in the south, and provided support to new human rights NGO's.

In June 1998, Penal Reform International (PRI), a London-based NGO, conducted a fact-finding mission to Yemen. It identified several issues of concern, including the mistreatment of prisoners, lack of education and resources for prison officials, and unsanitary and overcrowded conditions. With the support of a foreign embassy and the HRITC, PRI organized prison management training workshops and other activities for prison and security officials from September 1998 to February.

Amnesty International, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists observe the country closely. The International Committee of the Red Cross (ICRC) maintains a resident representative in Yemen. The Government has given these groups broad access to government officials, records, refugee camps, and prisons. The Government had acknowledged some abuses alleged in a 1997 AI report, and rejected other allegations. AI's follow-up report, issued in July, criticized the Government for not keeping its promise to investigate some of these abuses. The Government claims that it responded to AI, and passed the results of its investigations to the UNHRC, but that the information AI provided was inadequate for effective investigation and conclusive action.

The Yemeni Human Rights Organization (YHRO) is a local human rights group headquartered in Sana'a with branches in seven other cities. It was founded by the Government, and oppositionists as well as some human rights experts have viewed its findings as not objective. The head of the YHRO, a member of the judiciary, was transferred from his post as head of the Sana'a Court of Appeals to the Dhamar Court of Appeals in 1998. This was seen by some observers as a demotion or an attempt by the Government to marginalize the judge, who was seen as too independent on human rights questions.

The Supreme National Committee for Human Rights, which was formed in 1997 and reports to the Deputy Prime Minister/Minister of Foreign Affairs, is mandated with ensuring that Yemen meets its obligations with respect to implementing international human rights conventions and to look into specific instances of abuse.

In March the Government implemented a series of reforms to institutionalize and enhance the independence of the committee. These reforms included the establishment of a general coordinator position with the rank of Under Secretary; the addition of the Ministers of Information and of Labor and Vocational Training to the committee, the allocation of an independent budget and accounting unit, and the creation of an advisory commission that includes local legal experts, academics, and human rights activists.

Early in the year, after visiting Sana'a central prison and finding that minors were being incarcerated with adults, the committee arranged for them to be incarcerated separately in two age groups, 11 to 14 years of age and 15 to 18 years of age. In October 50 juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs where they are to attend school and participate in other activities (see Sections 1.c. and 5). The Committee also initiated a project to build with the support of local businessman the country's first youth reformatory. In September committee officials traveled to several governorates to monitor the presidential elections. In October in the first training of its kind, the committee conducted a series of human rights workshops for police officers in Sana'a and several other governorates. The committee plans to continue its human rights training in 2000. The committee also is studying ways to address the problem of female prisoners being held longer than their terms.

The committee views education to effect cultural change as its highest priority. To this end, it sought support from donors during the year for a project to make human rights a part of secondary school curriculums. The committee has been less active in looking into specific cases of abuse. Many persons alleged that it has not followed up on its stated commitment to investigate allegations of human rights abuses. For example in 1998 the committee declined to investigate the case of Wadia al-Shaibani, who reportedly died while in the custody of security forces in Aden (see Section 1.a.). Instead, it accepted the official coroner's report of death by suicide. The committee is hampered by a lack of human and material resources.

The Human Rights Committee of the President's Consultative Council has had limited success in investigating human rights abuses. However, members of the Committee expressed frustration at the lack of subsequent action by the authorities. Its activities were affected deeply by the death of its chairman, Abdulaziz al-Saqqaf, in an automobile accident in March. The new chairman is Abu Bakr al-Qirby.

A parliamentary human rights committee has investigated some reports of human rights abuses. It suffers from lack of official and financial support and 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 followup to the report.

Two delegations from the UNHRC visited in late 1998. One delegation looked into what progress the Government had made on cases of "disappearances" (see Section 1.b.). The other conducted an assessment of the Government's need for technical assistance, particularly for the Supreme National Committee on Human Rights.

Section 5. Discrimination Based on Race, Sex, Religion, 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, disability, and, to a lesser extent, religion, exists. Entrenched cultural attitudes often prevent women from enjoying equal rights.

Women.—Although spousal abuse is reportedly common, it generally is undocumented. In Yemen's traditional society, an abused woman would be 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 press and women's rights activists only recently have begun to investigate or report on violations of women's rights. During the year, violence against women was the subject of at least two women's conferences and featured in a cover story of the human rights magazine, Al-Qistas.

Women face significant restrictions on their role in society. The law, social custom, and Shar'ia discriminates against women. Men are 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. In 1998 some conservative Members of Parliament attempted to eliminate the "minimum age" requirement on the grounds that parents should decide when their daughters are old enough to marry. Their draft law failed by a large majority. A 1998 draft law to raise the minimum age of marriage to 18 also failed by a large majority. The law stipulates that the wife's "consent" 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 stipulates 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. Women have the legal right to divorce; however, they must provide a justification such as nonsupport, impotence, or taking a second wife without her consent. Following a divorce, the family home and older children often are 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 cannot remarry until she proves that she is not pregnant.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel. They also are expected to be accompanied by male relatives. However, enforcement of this requirement is irregular.

Shari'a-based law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Married women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born in Yemen of foreign-born fathers.

According to a 1995 Interior Ministry regulation, any citizen who wishes to marry a foreigner must obtain the permission of the Ministry. A Yemeni 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 Yemeni man must prove to the Ministry that she is "of good conduct and behavior," and "is free from contagious disease." There are 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 supports women's rights and the expansion of the public role of women. The President frequently speaks publicly about the importance of women's development. During the year, the Prime Minister mandated that all ministries must promote at least one woman to the director general level; at year's end only the Justice and Interior Ministries had failed to do so. Several ministries have several female director generals. With the Government's active support, bilateral and multilateral donors have initiated long-term (1994–2004) projects worth $31 million (YR 4.96 billion) aimed at advancing vocational education and reproductive health for women and girls.

An estimated 76.3 percent of women are illiterate, compared with approximately 36.6 percent of men. The fertility rate is 6.7 children per woman. Most women have little access to basic health care. Only approximately 22 percent of births are attended by trained health-care personnel. Even where clinics are available, many women do not use them because their male relatives, or they themselves, refuse to allow a male doctor to examine them.

In general women in the south, particularly in Aden, are better educated and have had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 civil war 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.

The National Women's Committee (NWC), a government-sponsored semi-independent women's association, promotes female education and civic responsibility. In September the NWC organized a highly publicized conference on women's role in the electoral process at which the President delivered the keynote address. There are numbers of recently formed NGO's working for women's advancement. These include the Social Association for Productive Families, which promotes vocational development for women; the Women and Children's Department of the Center for Future Studies, which organizes seminars and publishes studies on women and chil-

dren; the Woman and Child Development Association, which focuses on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, which provides microcredit and vocational training to women.

Children.—While the Government has asserted its commitment to protect children's rights, it lacks the resources necessary to ensure adequate health care, education, and welfare services for children. The United Nations Development Program estimates that 30 percent of children are malnourished. The infant mortality rate is 75 deaths per 1,000 births, down from 105 in 1998.

The law provides for universal free education for 9 years, which is compulsory, but this provision is not enforced. Many children, especially girls, do not attend primary school. According to UNICEF's "Report on Children and Women in Yemen: 1998" (released in September), an estimated 45 percent of primary school-age children (ages 6 to 15) do not attend school. Some rural areas have no schools for their school-age population. In 1998 to encourage girls' attendance at school, Parliament passed a law that eliminated school fees and the requirement of uniforms for girls. According to the UNICEF report, enrollment of girls in school increased by 4 percent in 1998, but enrollment of boys declined 10 percent because older boys from poor families left school to work.

Early in the year, after visiting Sana'a Central Prison and finding that minors were being incarcerated with adults, the Supreme National Committee for Human Rights arranged for them to be incarcerated separately in two age groups, 11 to 14 years old and 15 to 18 years old. In October 50 juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs where they can attend school and participate in other activities (see Sections 1.c. and 4). The Committee also initiated a project to build with the support of local businessman the country's first youth reformatory (see Section 4).

Child marriage is common in rural areas. Although the law requires that a girl be 15 to marry, it is not enforced, and marriages of girls as young as age 12 occur. Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by some citizens. According to a 1997 demographic survey conducted by the Government, nearly one-fourth (23 percent) of women who have ever been married have been subjected to FGM. However, the prevalence of the practice varies substantially by region. Citizens of African origin or those living in communities with heavy African influence are more likely to practice FGM. For example according to the survey, approximately 69 percent of women living in coastal areas were subjected to FGM, compared with 15 percent in mountainous regions, and 5 percent in the plateau and desert regions. The procedure is confined mainly to excision, with infibulation being practiced only among East African immigrants and refugees. FGM rarely is reported among the Shaf'ai religious sect, and adherents to the Zaydi sect reputedly do not practice it at all. The Government's publication of the data on FGM was an important first step in addressing this problem; however, while some government health workers and officials actively and publicly discouraged the practice, the Government has not passed legislation to outlaw it nor have local women's groups adopted the problem as a major concern.

People with Disabilities.—Persons with mental and physical disabilities face distinct social prejudices, as well as discrimination in education and employment. In 1998 the Government mandated acceptance of disabled students in schools, exempted them from paying tuition, and required that schools be made more accessible to disabled students, but it is unclear to what extent these new laws have been implemented. There is no national law mandating the accessibility of buildings for the disabled. Some disabled persons are reduced to begging to support themselves. Mentally ill patients, particularly those who commit crimes, are imprisoned and even shackled when there is no one to care for them. Persons with mental problems sometimes are arrested without charge and placed in prisons alongside criminals (see Section 1.c.). The ICRC, in cooperation with the Yemeni Red Crescent Society, built and now staffs separate detention facilities for mentally disabled prisoners. These facilities are located in Sana'a, Ibb, and Taiz, and collectively can care for a population of 300 persons.

The Handicapped Society, the country's largest NGO involved in assisting the disabled, was founded in 1988 and has branches in 13 governorates. Funded by international donors (primarily the Swedish organization Radda Barnen) and a modest annual grant from the Government, the Handicapped Society provides rehabilitation assistance and vocational training, and sponsors cultural and sports activities for disabled persons. The Ministry of Education has assigned three teachers to teach students at the disabled-accessible classrooms at the Society's Sana'a branch. Believing that the needs of disabled women were not being addressed adequately by the Handicapped Society, activists in 1998 established with government support the

Challenge Society. The Challenge Society provides 85 disabled females between the ages of 6 and 30 with medical care, support services, and vocational training.

Religious Minorities.—Apart from a small but undetermined number of Christians and Hindus in Aden, Jews are the only indigenous religious minority. Their numbers have diminished significantly—from several tens of thousands to a few hundred—due to voluntary emigration. Although the law makes no distinction, Jews traditionally are restricted to living in one section of a city or village and often are confined to a limited choice of employment, usually farming or handicrafts. Jews may, and do, own real property.

Christian clergy who minister to the foreign community are employed in teaching, social services, and health care. Occasionally the security authorities harass such clergy by censoring their mail, ostensibly to prevent proselytizing (see Section 2.c.). In July 1998, a gunman murdered three nuns belonging to the Sisters of Charity order in Hodeidah. The Government immediately arrested the individual, who the Government declared was deranged. No trial was held and the person was incarcerated in a psychiatric facility. The attack did not appear to be part of an organized campaign against Christians or foreigners.

A hospital in Jibla operated by the Baptist Church has experienced occasional threats and harassment from local Islamic extremists who feared that the hospital might be used to spread Christianity. There have been no reports of threats by extremists in several years.

National/Racial/Ethnic Minorities.—Yemenis with a non-Yemeni parent, called "muwalladin," sometimes face discrimination in employment and in other areas. Persons who seek employment at Sana'a University or admission to the military academy must by law demonstrate that they have two Yemeni parents. Nonetheless, many senior government officials, including Members of Parliament and ministers, have only one Yemeni parent. In some cases, naturalization of the non-Yemeni 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 Yemen, who later were enslaved, are considered the lowest social class. Known as the "Akhdam" (servants), they live in squalor and endure persistent social discrimination.

There were reports by human rights groups that some immigrants of African origin were having difficulty in securing Interior Ministry permission to marry Yemeni citizens. An Interior Ministry regulation requires that marriages of citizens and foreigners be approved in advance by the Ministry (see also Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government's ability to control tribal elements responsible for kidnapings, shootings, and other acts of violence remained limited. A prominent sheikh was killed in Sana'a in April, reportedly in connection with a tribal revenge case dating to 1962 between the Abu Nashtan and Al-Faqih tribes. In May an estimated 250 tribesmen from the Hashid and Redaa tribes stormed Hodeidah central prison, where authorities had detained an individual responsible for igniting a blood feud between the two tribes. In July tribesmen from the Haraz tribe blocked the Sana'a-Hodeida road, kidnaping drivers and seizing six trucks belonging to the rival Jaham tribe. Also in July, tribesmen from the Al-Ahwaj tribe attempted to kill the commander of the Army Corps of Engineers, who is a member of the rival Abu Luhum tribe. The Hashid and Khowlan tribes are involved in an ongoing violent feud in which several persons have been killed. Tensions, which periodically escalate into violent confrontations, continue between the Government and the Khowlan and other tribes in Marib.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides that citizens have the right to form unions. While the Government permits this right in practice, it also seeks to place its own personnel in positions of influence inside unions and syndicates. The 1995 Labor Law (amended in 1997) provides both for the right to form unions and for the right to strike. However, a strike is not allowed 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. Strikes for explicit "political purposes" are prohibited. In practice the law tends to discourage strikes. 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 Yemeni Confederation of Labor Unions (YCLU) remains the sole national umbrella organization. The YCLU claims 350,000 members in 15 unions and denies

any association with the Government, although it works 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 it to be in its best interest.

By law civil servants and public sector workers, and some categories of farm workers, may not join unions. Only the General Assembly of the YCLU may dissolve unions.

There were no strikes during the year.

The YCLU is affiliated with the Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—The 1995 Labor Law provides workers with the right to organize and bargain collectively. The Government permits these activities; however, it seeks to influence them by placing its own personnel inside groups and organizations. All collective bargaining agreements must be deposited with and reviewed by the Ministry of Labor; such agreements exist. Unions may negotiate wage settlements for their members and can resort to strikes or other actions to achieve their demands.

The law protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal cases of antiunion discrimination to the Ministry of Labor. Employees also may take a case to the labor courts, which often are disposed favorably toward workers, especially if the employer is a foreign company.

There are no export processing zones in operation; an EPZ is planned for Aden.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and there were no reports of its practice. The law does not prohibit forced or bonded labor by children specifically, but such practices are not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Child labor is common, especially in rural areas. Many children are required to work in subsistence farming because of the poverty of their families. Even in urban areas, children work in stores and workshops, sell goods on the streets, and beg. The law does not prohibit forced or bonded labor by children specifically, but such practices are not known to occur (see Section 6.c.).

The established minimum age for employment is 15 in the private sector and 18 in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforces these provisions, especially in rural and remote areas. The Government also does not enforce laws regarding 9 years of compulsory education for children and many school-aged children work instead of attending school, particularly where schools are not available.

The results of the 1994 national census showed that 231,655 children between the ages of 10 and 14 years, or 6.5 percent of all children in that age group, were working. Experts believe that the number has increased since 1994.

After voting in support of the International Labor Organization's (ILO) basic agreement in May, the Consultative Council adopted the ILO's Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Labor, uses the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

The Ministry of Labor occasionally inspects factories in the major population areas. Ministry officials state that they lack the resources to enforce child labor laws more effectively. However, since a great percentage of the country's underage work force is in the agricultural sector in remote rural areas, it is difficult for the Government to protect most child workers.

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." According to the Ministry of Labor, the average minimum wage of civil servants for 1994–95 was approximately $50 to $62 (yr 8,000 to 10,000) per month. Private sector workers, especially skilled technicians, do far better. The average wage does not provide a decent standard of living for a worker and family. A combination of inflation, the loss of government-provided subsidies, and a decline in the exchange value of the national currency continued to erode wages.

The law specifies a 40-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10 to 12-hour shifts without penalty. The workweek for government employees is 35 hours: 7 hours per day Saturday through Wednesday.

The Ministry of Labor has the responsibility for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is con-

tained in the Labor Law, but enforcement is nonexistent. Many workers regularly are exposed to toxic industrial products and develop respiratory illnesses. Some foreign-owned companies implement higher health, safety, and environmental standards than the Government requires. Workers have the right to remove themselves from dangerous work situations and can challenge dismissals in court.

f. *Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

SOUTH ASIA

AFGHANISTAN*

Afghanistan continued to experience civil war and political instability for the 20th consecutive year. There was no functioning central government. The Pashtun-dominated ultra-conservative Islamic movement known as the Taliban controlled about 90 percent of the country, including the capital of Kabul, and all of the largest urban areas. A Taliban edict in 1997 renamed the country the Islamic Emirate of Afghanistan, with Taliban leader Mullah Omar as Head of State and Commander of the Faithful. There is a six-member ruling council in Kabul, but ultimate authority for Taliban rule rested in Mullah Omar, head of the inner Shura (Council), located in the southern city of Kandahar. Former President Burhanuddin Rabbani claimed to be the head of the Government and controlled most of the country's embassies abroad and retained Afghanistan's United Nations seat after the U.N. General Assembly deferred a decision on Afghanistan's credentials another time in December. Rabbani and his military commander, Ahmed Shah Masood, both Tajiks, also maintained control of some largely ethnic Tajik territory in the country's northeast. Masood's forces were within rocket range of Taliban-held Kabul until late July when the Taliban summer offensive pushed Masood's forces out of the Shomali plain, north of Kabul. Commander Masood and commanders under the United Front for Afghanistan (UFA), also known as the Northern Alliance, defended the last of the territories held by the Northern Alliance in the north and center of the country from Taliban attacks. The U.N. Special Envoy to Afghanistan, Lakhdar Brahimi, engaged in extensive discussions with the Afghan parties and other interested nations until his resignation in the fall. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met in Tashkent, Uzbekistan in July to seek an end the conflict. During the year, a process to convene a Loya Jirga, or Grand Assembly of traditional leaders, which was focused around former King Zahir Shah and based in Rome, slowly began to take shape. A number of provincial administrations maintained limited functions, but civil institutions were rudimentary. There is no countrywide recognized constitution, rule of law, or independent judiciary.

The Taliban remained the country's primary military force.

Taliban members committed numerous serious human rights abuses in areas they occupied.

Agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. During the year, Afghanistan became the largest opium producer in the world. Lack of resources and the war have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of millions landmines and unexploded ordnance throughout the country has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. There was some laying of new mines during the year, primarily by the Northern Alliance. Trade was mainly in opium, fruits, minerals, and gems, as well as goods smuggled to Pakistan. There were rival currencies, both very inflated. Formal economic activity remained minimal in most of the country, especially rural areas, and was inhibited by recurrent fighting and by local commanders' roadblocks in non-Taliban controlled areas. The country is also dependent on international assistance. Per capita income, based on World Bank figures, is about $280 per year. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas that are under firm Taliban control. Areas outside of Taliban control suffered from brigandage.

*The U.S. Embassy in Kabul has been closed for security reasons since January, 1989. Information on the human rights situation is therefore limited.

The overall human rights situation was extremely poor, and the Taliban continued to commit serious human rights violations. Citizens were precluded from changing their government or choosing their leaders peacefully. Taliban forces reportedly were responsible for political and other extrajudicial killings, including targeted killings, mass killings, summary executions, and deaths in custody. There were allegations that Taliban forces were responsible for disappearances. Prison conditions were poor. Summary justice was common. The Taliban imposed strict and oppressive order by means of stiff punishments for crimes in the areas that they controlled. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), enforced their ultra-conservative interpretation of Islamic law. They set punishments such as public executions for adultery or murder, and amputations of one hand and one foot for theft. For lesser infractions, Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. The Taliban arbitrarily arrested and detained persons and infringed on citizens' privacy rights. The United Nations reported in August that the Taliban used a scorched earth policy during its summer offensive, including the burning of homes, the killing of livestock, the uprooting of orchards, and the destruction of irrigation systems (see Section 1.g.). Many civilians were relocated forcibly by the Taliban during the offensive. Taliban forces were responsible for the indiscriminate bombardment of civilian areas. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, association. Freedom of religion is restricted severely and Taliban members vigorously enforced their interpretation of Islamic law. Freedom of movement is also limited. Years of conflict have left approximately 258,600 citizens as internally displaced persons, while more than 2.6 million of the country's population of approximately 25.8 million live outside the country as refugees. Although the continued fighting has discouraged many refugees from returning to their country, approximately 96,700 returned voluntarily with U.N. High Commissioner for Refugees (UNHCR) assistance during the year. All factions have harassed domestic and international NGO's.

The human rights situation for women was extremely poor. Violence against women remained a problem throughout the country. Women and girls were subjected to rape, kidnaping, and forced marriage, particularly in areas outside of Taliban control. Taliban restrictions against women and girls remained widespread, institutionally sanctioned, and systematic. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field and in some humanitarian assistance projects. The treatment of women and girls in Taliban controlled areas improved slightly. Although girls were prohibited formally from attending school, several organizations were able to run elementary schools and home schools with girls in attendance despite the formal prohibition. Nonetheless, there was widespread and widely accepted societal discrimination against women and girls throughout the country. The Taliban detained persons because of their ethnic origins. Worker rights were not defined. Child labor persists. There were reports that the Taliban used forced labor.

Masood's forces and the Northern Alliance members committed numerous, serious abuses. Masood's forces continued sporadic rocket attacks against Kabul. Anti-Taliban forces bombarded civilians indiscriminately. Various factors infringed on citizens' privacy rights. Armed units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killings, abductions, kidnapings for ransom, torture, rape, arbitrary detention, and looting.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—The Taliban forces committed a large number of political and other extrajudicial killings, both within the country and in the refugee community in Pakistan. According to press reports, on January 21, members of the Taliban killed six persons in Khost when they tried to ban a traditional game. The local population requested reparations for the deaths. On May 19, the Taliban reported an attempted uprising in the western city of Herat; the Taliban stated that eight persons were executed in connection with the incident. The Northern Alliance claimed that over 50 persons were executed by the Taliban.

On May 9, the Taliban recaptured Yakaolang, in Bamiyan province. According to reports received by Amnesty International (AI), persons who remained in the town after its recapture in May later were targets of systematic killings by the Taliban. Hundreds of men reportedly were taken away and killed (see Sections 1.b. and 1.g.). On May 9, the Taliban also recaptured Bamiyan, which previously had changed hands several times. There were reports that the Taliban carried out summary exe-

cutions upon entering the city. Estimates of the number of civilians allegedly killed varies widely, but Amnesty International reported that hundreds of men, and in a few instances women and children, were separated from their families and taken away (see Sections 1.b. and 1.g.).

During the summer, the combat between the Taliban and the Northern Alliance intensified. On July 28, the Taliban launched a major military offensive. It was reinforced by 2,000 to 5,000 recruits, many of them non-Afghans and some below the age of 14. This offensive led to the capture of most of the Shomali Plains up to the entrance of the Panjshir Valley. Dozens of noncombatants were killed in a deliberate manner, according to Amnesty International. Combatants from neighboring countries who joined the Taliban forces reportedly contributed to an increase in the level of atrocities against civilians, particularly against women (see Section 1.g). In the Bagram area, several groups of male civilians, ranging from 9 to 23 persons, reportedly were killed by the Taliban.

According to Amnesty International, over a dozen detainees died while in Taliban custody between early 1998 and early 1999. They include two former Nangarhar University lecturers and U.N. agency staff workers Pohandoy Mohammad Nazir Habibi and Pohanmal Mohammad Hashem Basharyar. Habibi and Basharyar were active in Afghan intellectual circles seeking peace through political means. The two men reportedly were forced into a car in July 1998 by members of the provincial internal security office. Their bodies were found several days later. Other detainees reportedly have died in a similar fashion, including Dagarwal Agha Mohammad, Sher Mohammad, General Solhmal, Abdul Ghani, Ghadim Shah, and Mohammad Khan Tudai. According to AI, Taliban officials arrested these persons, all of whom took active roles in discussions of options for a political settlement. Several days to one month after arrest, the bodies of these persons were discovered, often bearing signs of torture, in a field or hanging from tree.

According to an October 1998 report, members of the Turkmen community also have been arrested by the Taliban, tortured, and killed in detention, including Agha Mohammad Doktor, a Turkmen military commander, and Abdul Manan, a respected religious leader from the northern part of the country.

In 1998 there were credible reports that the Taliban executed large numbers of civilians during fighting with the National Islamic Movement of Afghanistan in Faryab province, and that the Taliban engaged in mass killings in Mazar-i-Sharif in August 1998; ethnic Hazaras and to a lesser extent ethnic Tajiks and Uzbeks reportedly were targeted. An estimated 2,000 to 5,000 persons reportedly were killed by the Taliban in Mazar-i-Sharif in 1998; the Taliban killed an estimated 500 persons in its recapture of Bamiyan in September 1998. In November 1998, there were reports that an estimated 300 civilians, including women and children, were killed by a Taliban official in the southeastern province of Zabol; he was reportedly arrested by the Taliban.

Political killings of moderate Afghan leaders residing in Pakistan continued during the year; many believed that these killings occurred at the direction of the Taliban. In January in Peshawar, unknown assailants killed the wife and child of Abdul Haq, a jihad-era commander and current moderate activist. Apparently, the killers expected to find Abdul Haq at home. Abdul Haq since has relocated from Pakistan. On February 10, the daughter of a former adviser to President Rabbani's Justice Ministry was killed in Pakistan. On April 1, an aide to Haji Qadir was killed in Peshawar. In July former Afghan senator Abdul Ahad Karzai, father of moderate activist Hamid Karzai, was killed outside of a mosque in Quetta, Pakistan. Both the Karzai and Abdul Haq family killings are widely believed to be part of a wider Taliban campaign against moderate activists, especially against those affiliated with the movement supported by former king Zahir Shah. Several Afghan moderates were killed in Pakistan in 1998, including Dagarwal Basir, General Nazar Mohammad, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha; and General Rahim. Over the course of the year, a number of moderate activists in Pakistan resettled in third countries, in part as a result of these killings. In response to the concerns raised by Amnesty International about the killings of Afghan moderates in Pakistan, Taliban authorities in January denied Taliban involvement in such killings, stating that "other groups commit terrorist acts and violations and put the blame on the Taliban."

In July 1998, two Afghan U.N. employees were kidnaped and murdered. The alleged motive for the killings was that the two were former communists. The Taliban were implicated but denied any role in the murders. Other former Afghan communists, both in Afghanistan and Pakistan, also were killed under circumstances that implicated the Taliban. Mohammad Hashim Paktianai, a cousin of former Afghan Communist President Najibullah (who was executed by the Taliban when they

took Kabul in 1996), was killed by unidentified gunmen near his home in Peshawar in November 1998.

The Taliban used swift summary trials and implemented strict punishments according to Islamic law; the Taliban ordered public executions, which sometimes took place before crowds of up to 30,000 persons at Kabul Stadium. The Taliban also ordered death by stoning for adultery, and by toppling walls on offenders for homosexual transgressions; five persons reportedly were killed by this method in 1998 (see Sections 1.c. and 1.e.).

The Taliban have used excessive force against demonstrators. In December 1998, two students at Nangarhar medical college reportedly were killed by members of the Taliban when they fired upon a crowd of students who were protesting their dean's misappropriation of hostel funds. Taliban leader Mullah Omar ordered an investigation of the incident, but it is not known whether an investigation took place or what the results of any investigation may have been.

During the year, Taliban planes bombed cities held by opposition forces, killing and injuring civilians (see Section 1.g.). Several cities and areas of Afghanistan in the north, west, and east changed hands between the Taliban and the Northern Alliance on more than one occasion; the continued warfare during the year between the Taliban and Northern Alliance factions resulted in the killings of civilians.

Opposition forces fired rockets into Kabul on a number of occasions. In many of these attacks, civilians were killed or injured (see Section 1.g).

In other areas, combatants sought to kill rival commanders and their sympathizers. The perpetrators of these killings and their motives were difficult to identify, as political motives often are entwined with family and tribal feuds, battles over the drug trade, and personal vendettas. During the year, a long-running feud among Northern Alliance members led to a number killings of prominent commanders, including Bahadur in November and Abdul Chesik in December.

On August 25, a truck bomb exploded near the home of Mullah Omar in Kandahar; seven persons, including three of Mullah Omar's bodyguards, reportedly were killed. At year's end, it was not clear who was responsible for the blast. On the November 13, a car bomb destroyed the vehicle of Taliban official Abdul Hai Mutmain.

Commander Masood on January 24 denied responsibility for the killing of the governor of Badakhshan, Mowlavi Khairadmand, a former member of the Hezb-i-Islami, who was killed in November 1998.

There were unconfirmed reports in 1998 that 10 unarmed demonstrators were killed in Mazar-i-Sharif in March 1998. Forces loyal to the local Jamiat strongman, Commander Atta, allegedly shot at up to 3,000 pro-peace demonstrators. Atta may have feared that the crowd intended to storm his headquarters.

In 1998, the U.N. found several mass graves connected with the massacre of Taliban soldiers near Mazar-i-Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these mass 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. The Taliban leadership has indicated in several of these cases that investigations were under way or that investigations would be permitted. However, according to neutral observers, no real progress was made by the Taliban in facilitating investigations; mass and other killings from 1997 and 1998 have not been investigated fully. By year's end, six U.N. Civilian Affairs Officers were assigned to a civilian monitoring unit inside the country to help investigate the atrocities and to serve as an early warning mechanism for human rights abuses.

In August 1998, Lieutenant Colonel Carmine Calo, an Italian serving with the United Nations Special Mission, was killed in Kabul. There has been no investigation of the killing.

There were reports that as many as 2,000 Taliban soldiers were killed by the Northern Alliance, including the Hazara Hezb-i-Wahdat, near Mazar-i-Sharif as they retreated from the city in 1997. In December 1997, a U.N. team found several mass gravesites connected with the massacre of Taliban soldiers near Mazar-i-Sharif, which contained evidence consistent with mass executions.

b. Disappearance.—The strict security enforced by the Taliban in areas under their control has resulted in a decrease in abductions, kidnapings, and hostage taking for ransom. However, there were allegations that the Taliban maintained private prisons to settle personal vendettas and that they were responsible for disappearances in areas under their control. There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August, and that women taken in trucks from the area of fighting were trafficked to Pakistan and to the Arab Gulf states. In 1998 there were credible reports that the Taliban detained hundreds of

persons, mostly ethnic Hazaras, after the takeover of Mazar-i-Sharif; the whereabouts of many such persons remained unknown at year's end. There were unconfirmed reports that some Taliban soldiers abducted girls and women from Hazara neighborhoods in Mazar-i-Sharif in 1998; the whereabouts of some of these women also were unknown at year's end (see Section 5). Some of those who have disappeared are believed to have been killed after being arrested, but their bodies have not been found (see Section 1.a.). Since 1998 persons who have disappeared in this manner include: General Abdul Rahman; General Farooq; Moulvi Shabuddin; Waliullah Dagarwal; General Syed Agha Rayees; Engineer Nabi Shah; and Wolaswal Ismail.

Abductions, kidnapings, and hostage-taking for ransom or for political reasons also occurred in non-Taliban areas, but specific information was lacking. In northern areas, women were at risk of being raped and kidnaped, according to the U.N. There were unconfirmed reports that local commanders were kidnaping young women. Some of the women reportedly then were forced to marry their kidnapers. Others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have assimilated voluntarily into Afghan society, though some are alleged to be held against their will. A number of persons from the former Soviet Union missing from the period of the Soviet occupation are presumed dead.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Taliban are believed to have used torture against opponents and POW's. Torture does not appear to be a routine practice in all cases. The Taliban reportedly beat a number of persons detained for political reasons between early 1998 and early 1999 (see Section 1.d.).

The Taliban ruled strictly in areas that they controlled, establishing ad hoc and rudimentary judicial systems, based on their understanding of Islamic justice. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials. Murderers were subjected to public executions, a punishment that at times was inflicted by the victims' families (see Section 1.a.). Thieves were subjected to public amputations of either one hand or one foot, or both. In 1998 the U.N. Special Rapporteur on Torture was particularly concerned about the use of amputation as a form of punishment by Taliban authorities. Adulterers were stoned to death or publicly whipped with 100 lashes. Those found guilty of homosexual acts were crushed by having walls toppled over them. During the year, this punishment was carried out on at least one occasion, although the victim reportedly survived. In 1998 at least seven such punishments were reported; five persons died after having walls toppled on them.

Taliban forces threatened and beat women, for what they considered "immodest dress." They threatened and beat men for "immodest dress" and for incorrect beard length.

Some of Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents.

All Afghan factions are believed to have used torture against opponents and POW's, though specific information generally is lacking. Torture does not appear to be a routine practice in all cases.

According to Amnesty International, between April 21 and May 9, while the Hezb-i-Wahdat held Bamiyan and surrounding areas, noncombatants suspected of collaborating with the Taliban were targeted for severe beatings and arbitrary detention.

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives, who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in overcrowded, unsanitary conditions in collective cells.

There are credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operate prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini, and Maimana. The Northern Alliance maintains prisons in Panjshir and Taloqan, and there also is a prison in the north at Faizabad, in Badakhshan province. According to Amnesty International, there have been reports that the Taliban forced prisoners to work on the construction of a new story on the Kandahar prison, and that some Taliban prisoners held by Masood were forced to labor in life-threatening conditions, such as digging trenches in mined areas.

There were reports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February. Intensified fighting and poor security for foreign personnel limited the ICRC's ability to monitor prison conditions, especially in and around Mazar-i-Sharif after that city fell to the Taliban. However, the ICRC's access improved toward the end of the year. The ICRC visited approximately 8,000 detainees in 50 different places of detention in 1998.

d. *Arbitrary Arrest, Detention, or Exile.*—With the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subjected to arbitrary detention. There are credible reports that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have a more formal judicial structure than others.

In the spring the Taliban reportedly took approximately 550 persons in Bamiyan hostage and transferred them to different prisons in Parwan, Kabul, and Kandahar, according to U.N. reports. Among those arrested were Sayed Adil Kazimi Paykar from Fatmasti, Natiqi from Kushak, Sheikh Emami from Surmara, and Sheikh Zaki from Kalu, all members of the Council for National Understanding and National Unity of Afghanistan (see Section 1.g.). Amnesty International also reported that the Taliban have taken children hostage in an effort to compel their fathers to surrender; the fathers of such children generally are reported to be political opponents of the Taliban. Children detained in this manner include Farhad and Mohammad Sheikh-Fardin, sons of Noor Agha Rooyeen, a member of the Council of National Understanding and National Unity of Afghanistan; and Abdul Zahir, son of General Golrank, a former military commander under President Najibullah. The families of these children have been told that the children would be released when their fathers surrender to the Taliban.

Amnesty International also reported that as of March up to 200 prominent persons or local community leaders who supported peace efforts had been arrested in southern and eastern Afghanistan since early 1998; many reported beatings while in detention. Other estimates ranged from 25 to 400 persons detained. The majority of them reportedly were arrested in October 1998, mainly in Jalalabad. Among those arrested in Jalalabad in October 1998 were Kuhat Khan, a retired military officer and a Member of Parliament at the time of President Najibullah; and Bashir Mahmood, a Pashtun founding member of the Islamic Council for Freedom and Democracy. Some of those detained allegedly were arrested for planning to carry out a coup or other activities against the Taliban; however, the arrests appeared to be aimed at possible opposition figures and included tribal elders, intellectuals, members of various parties or groups, and persons associated with prior regimes, particularly that of President Najibullah. Other persons reportedly detained by the Taliban for their political activity or past political affiliations included Mohammad Anwar Sultani, Malik Khan Arab; Dagarwal Mohammad Yasin; Alaghadar Nisar Ahmad; Abdul Quader Emami; Dagarwal Shah Mahmood Khan; Abdul Malik; Malik M. Amin; Zairat Gul; Mohammad Nazir; Soleiman Shah; Lawang; Jan Mohammad; and Rahemi. At least three Afghan staff members of the United Nations also were arrested. As of February approximately 100 persons were believed to remain in detention.

All factions probably hold political detainees, but no firm numbers are available. Thousands of prisoners of war are held by the Taliban and Masood. Masood reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers, as POW's. Prisoner releases by all factions occurred during the year, often with the assistance of the ICRC, sometimes on the occasion of religious holidays. Generally, small numbers of prisoners were released at any given time. In January, the Taliban released 250 prisoners held at Pol-e-Charkhi prison on the occasion of Ramadan, according to press reports. Other prisoners were released in Kunduz. In February, the Taliban released approximately 70 prisoners from a prison in Mazar-i-Sharif on the recommendation of an Afghan human rights organization.

On January 15, Commander Masood freed 58 Taliban prisoners during Ramadan; there were similar releases to mark Ramadan in December. In February, the International Committee of the Red Cross facilitated prisoner exchanges between the Taliban and the Northern Alliance that resulted in the exchange of 62 persons. During 1998 the ICRC registered almost 4,400 prisoners of war across the country.

There was no information available on forced exile.

e. *Denial of Fair Public Trial.*—With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Shari'a (Islamic) law and traditional tribal codes of justice.

The Taliban have Islamic courts in areas under their control to judge criminal cases and resolve disputes. According to the U.N., the Taliban assert that there is a lower court and a higher court in every province, and a Supreme Court in Kabul. In January Mullah Omar promulgated a decree asking the Supreme Court and military courts not to interfere with one another, according to press reports. The courts meted out punishments including execution and amputation, and reportedly heard cases in sessions that lasted only a few minutes. The courts reportedly dealt with all complaints relying on the Taliban's interpretation of Islamic law and punishments as well as traditional tribal customs (see Section 1.c.). In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution (see Section 1.a.). Decisions of the courts were reportedly final. According to Amnesty International, some judges in these courts were untrained in law, and at times based their judgments on a mixture of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas.

Defendants do not have the right to an attorney.

Little is known about the administration of justice in the areas controlled by the Northern Alliance. The administration and implementation of justice varied from area to area and depended on the whims of local commanders or other authorities, who summarily execute, torture, and mete out punishments without reference to any other authority.

All factions probably hold political prisoners, but no firm estimates of numbers are available.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—Interfactional fighting often resulted in the homes and businesses of civilians being invaded and looted by the opposing forces—whether victor or loser. Some armed gunmen reportedly acted with impunity given the absence of any legal protection or a responsive police force. It was unclear what authority controlled the actions of the Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers, persons masquerading as Taliban, or foreign sympathizers fighting alongside the Taliban, entered private homes without prior notification or informed consent. In Kabul the soldiers allegedly searched homes for evidence of cooperation with the former authorities or for violations of Taliban religion-based decrees, including the ban on the possession of depiction of living things (photographs, stuffed animals, dolls, etc.). Members of the Ministry for the Promotion of Virtue and Suppression of Vice, the Taliban's religious police, beat individuals on the streets for infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for the violation of the prohibition on women being in the company of men who were unrelated to them. The Taliban required women to wear a burqa, a tent-like outer garment that covers a woman from head to toe, when in public (see Section 5). Men are required to have beards of a certain length or longer, not to trim their beards, and to wear head coverings. Men whose beards did not conform to the guidelines on beard length set out by the Taliban were subject to imprisonment for 10 days and mandatory Islamic instruction. According to AI, the Taliban have taken children hostage in an effort to compel their fathers to surrender (see Section 1.d.).

According to press reports, on January 29, members of the Ministry for the Promotion of Virtue and Suppression of Vice threatened men in Kabul with punishment if they did not recite the five daily prayers, and called upon neighbors to turn in violators.

There were reports that some prisoners of the Taliban, including the sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. There were also reports that the Taliban forcibly conscripted or attempted to forcibly conscript persons in 1997 and 1998; some of these reports were unconfirmed.

In 1998 the Taliban prohibited satellite dishes, as part of an effort to ban music, television, and movies (see Section 2.a.); the ban continued through year's end. However, televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor.

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—The continuing internal conflict resulted in many instances of the use of excessive force. After a lull in the early part of the year, the conflict intensified in the northern and central areas of the country, and much of the fighting during the year took place in areas inhabited by non-Pashtun minorities.

In late April, the Taliban bombed cities held by the Northern Alliance, such as Taloqan, Dara-e-Suf, and Jebel-u-Seraj. In September, the Taliban bombed Taloqan again, resulting in the deaths of civilians, property damage, and the displacement of residents.

On May 9, the Taliban recaptured Bamiyan. Most of the population evacuated the city and took refuge in the mountains. The U.N. reported that 361 infants and 138 adults died as a result of cold and hunger following their escape to the mountains. According to reports received by Amnesty International, those who remained in Bamiyan later were targets of systematic killings (see Section 1.a.). There were reports of summary executions carried out by the Taliban after they entered the city. It was estimated by AI that hundreds of men and some women and children also were taken away by the Taliban after the capture of Bamiyan. On May 14, the Taliban took Yakaolang, the second largest city in Bamiyan province. Approximately 150 persons, including women and children, reportedly were taken captive by Taliban forces from Berson village and transferred to Parwan province. Hundreds of men, and in some instances women and children, reportedly were separated from their families and taken away from Yakaolang (see Section 1.c.). During the spring offensive, the U. N. estimated that 15 percent of the homes in Bamiyan province were destroyed systematically and another 21 percent were damaged heavily. According to the U.N., 66 percent of all cattle in the area reportedly were killed in the fighting. Household goods, commercial vehicles, and shops were sold, looted, or destroyed. As a result of the fighting and destruction, spring planting was not possible; this led to shortages of food in the province later in the year.

Most of the civilian population was displaced from the area of the conflict in Bamiyan province by mid-May. However, 66 percent returned by August, including Hazaras and Tajiks.

On July 28, the Taliban began a large-scale military offensive across the Shomali plains north of Kabul. Taliban forces used in the offensive reportedly included non-Afghans. The initial Taliban offensive led to the capture of most of the Shomali Plains up to the entrance of the Panjshir Valley. The Taliban also made gains in the northern part of the country along the Amu Darya River. However, on August 5 the Northern Alliance counterattacked and retook most of the territory lost the previous week. On August 11 the Taliban also launched a new attack in the Shomali plains north of Kabul.

After the initial offensive failed, the Taliban carried out a scorched earth policy in the Shomali plain area. Refugees from the Hazarajat area (in the Shomali plain) reported to the U.N. that the Taliban carried out summary executions of noncombatants, including women and children; arbitrarily detained persons; forcibly relocated the civilian population; burned of homes and crops; and used forced labor. Some of the Taliban field commanders allegedly responsible were named, including Abdul Wahid Ghorbandi.

The Northern Alliance claimed that 250,000 persons fled the Shomali plains in August and September and sought refuge in the Panjshir valley. Other estimates placed the number of persons who fled the Shomali plains at 100,000 to 150,000 persons, of whom over 50,000 reportedly were relocated by Taliban forces. During a 4-day period in August, the U.N. estimated that over 20,000 persons fled to Kabul, bringing the total to 40,000 over a 2-week period. Approximately 800 families reportedly sought refuge in the abandoned Soviet embassy compound in Kabul; 70 percent of persons taking refuge there were reported to be women and children. Some families initially relocated to Jalalabad, but reportedly later were allowed to go to Kabul, where their needs could more easily be met and which was closer to the homes they had fled. There were reports that dozens of trucks used to relocate displaced persons were filled only with women and children, indicating that adult men may have been separated from their families by the Taliban. Both men and women reportedly were separated from their families by the Taliban; according to one international human rights organization, some 1,000 ethnic Tajik men were separated from their families during the exodus and detained by the Taliban. The whereabouts of most of those separated from their families remained unknown at year's end. The towns of Istalif, Farza, Kalakan and Guldara were affected most by the offensive; Qarabagh and parts of Bagram were affected to a lesser degree (see Section 1.a.).

The Taliban claimed that opponents conducted attacks from the homes of civilians in the Shomali area, making them legitimate military targets. Later in the year, Taliban leader Mullah Omar criticized the burning of homes, but no action is known to have been taken against those responsible for the abuses that occurred during the offensive in the Shomali plains.

In September the Taliban increased pressure on Northern Alliance positions north of Kunduz city and to the east of Khanabad in Takhar province. On September 25, the Taliban launched a major offensive in northern Kunduz province, near the Tajikistan border. They recaptured the Amu Darya river port of Sher Khan Bandar and the nearby districts of Imam Sahib and Dasht-e-Archi.

In August 1998, the Taliban captured Mazar-i-Sharif. There were reports that as many as 5,000 persons, mostly ethnic Hazara civilians, were massacred by the Taliban after the takeover of Mazar-i-Sharif. In September 1998, the Taliban captured Bamiyan; during the fighting an estimated 200 civilians were killed. There were also credible reports of a massacre of 45 civilians in a village near Bamiyan by Taliban commanders in September 1998. Amnesty International reported that the Taliban massacred 70 Hazara civilians, including children, in Qezelabad, near Mazar-i-Sharif in 1997. There were also reports that Taliban forces in Faryab province killed some 600 civilians in late 1997.

In general, independent investigations of alleged killings were hindered by continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question (see Section 1.a.). The Taliban denied charges that its forces massacred or committed atrocities against civilians and claimed that civilian deaths, if any, resulted from combat.

On April 11, the Northern Alliance began firing rockets on Kabul; the firing continued sporadically until the Taliban offensive in late July drove the Northern Alliance out of rocket range. On April 16 heavy fighting broke out around Khenjan, north of the Salang tunnel in Baghlan province, as well as in various localities of Faryab province in the northwest. On April 21 anti-Taliban forces seized the city of Bamiyan in the central part of the country. Bamiyan is inhabited mainly by Hazaras, and was the stronghold of the Hezb-i-Wahdat until September 1998. By late October, the Northern Alliance drove the Taliban back more or less to the positions held earlier in the year.

The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces.

There were reports that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Section 4).

Continued warfare also resulted in massive forced displacement of civilians the (see Section 1.g.). Over the course of the year, it is estimated that up to 200,000 persons may have fled the fighting. An estimated 258,600 Afghans remain internally displaced following years of conflict. More than 2.6 million Afghans are living as refugees in Pakistan and Iran. A much larger number over the twenty years has sought refuge abroad. Women and children constituted the majority of those in need of humanitarian assistance.

Afghanistan is the most heavily mined country in the world, according to U.N. mine clearing experts. The U.N. estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, sown mainly during the Soviet occupation. Some NGO's estimate that there may be less than 1 million. The landmines and unexploded ordnance cause deaths and injuries, restrict areas available for cultivation, and slow the return of refugees. The mines covered more than an estimated 420 square miles at year's end, including over 285 square miles of grazing land; over 100 square miles of agricultural land; almost 25 square miles of roads; 7.5 square miles of residential area; and over 2 square miles of irrigation systems and canals, according to the NGO Halo Trust. From 1995 to 1997 new mines are believed to have been laid over 90 square miles of land, reportedly mainly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly mined areas have been reported but not confirmed in the frontline areas north of Kabul, including Parwan, Kapisa, and the Panjshir Valley, and in the northern provinces of Kunduz and Takhar in 1999 offensives. These reportedly were laid by the Northern Alliance in response to the Taliban's late summer offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade, and stockpiling of mines in 1998.

An estimated 400,000 Afghans have been killed or wounded by landmines. Currently, casualties caused by landmines and unexploded ordnance are estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households are affected by the presence of landmines. Ninety-six percent of civilian mine and unexploded ordinance casualties are male. Fifty-three percent occur in the 18 to 40 age group, while 34 percent of the casualties involve children, according to the U.N.'s 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 United Nations has organized and trained mine detection and clearance teams, which operate throughout the country.

Nearly all areas that have been cleared are in productive use, and approximately 1.53 million refugees and internally displaced persons have returned to areas cleared of mines and unexploded ordnance. Nevertheless, the mines are expected to pose a threat for many years. In 1997 the 4,000 mine clearers suffered from an accident rate of 1 per week. However, clearance rates and safety have increased for clearance teams assisted by dogs. U.N. agencies and nongovernmental organizations (NGO's) have instituted a number of mine awareness campaigns and educational programs for women and children in various parts of the country, but many were curtailed as a result of Taliban restrictions on women and girls.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—There are no laws that effectively provide for freedom of speech and of the press, and senior officials of various warring factions allegedly attempted to intimidate journalists and influence their reporting. The few newspapers in the country, all of which were published only sporadically, were for the most part affiliated with different factions. Various factions maintain their own communications facilities. The Taliban selectively ban the entry of foreign newspapers into their territory. Many foreign books are prohibited. The Taliban radio station, the Voice of Shariat, broadcasts religious programming and Taliban pronouncements.

All factions have attempted to pressure foreign journalists who report on the Afghan conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul, but later imposed restrictions upon them. During the year, foreign journalists were forbidden to film or photograph persons or animals, were not allowed to interview women, and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. In 1998 foreign journalists were not permitted into Mazar-i-Sharif after the Taliban took the city and reportedly massacred as many as 5,000 persons (see Section 1.g.). However, by year's end, few journalists cited problems in reporting from Afghanistan.

The Taliban reportedly require most journalists to stay at the Intercontinental Hotel in Kabul (allegedly for security and economic reasons). Journalists also reported that the Taliban attempted to control who could act as drivers and interpreters for them.

In August 1998, Iranian journalist Mahmoud Saremi was killed after being abducted by Taliban soldiers in Mazar-i-Sharif, along with eight Iranian diplomats. Saremi was the Afghanistan bureau chief for the official Iranian news agency, IRNA. Taliban officials stated that those responsible for Saremi's killing were not acting under official orders and would be punished; however, no action was known to have been taken regarding the case by year's end.

The Taliban continue to prohibit music, movies, and television on religious grounds. In August 1998 television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor.

The Taliban severely restrict academic freedom, particularly education for girls (see Section 5).

b. *Freedom of Peaceful Assembly and Association.*—Civil war, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association.

It is unknown whether laws exist that govern the formation of associations. Many domestic NGO's continue to operate in the country, and many international NGO's also continue to operate (see Section 4). There were reports that the Taliban require NGO's to go through burdensome registration procedures in order to be allowed to operate, and attempted to exert control over NGO staffing and office locations, especially in Kabul.

c. *Freedom of Religion.*—Freedom of religion is restricted severely, and Taliban members vigorously enforced their interpretation of Islamic law. Afghanistan's official name, according to both the Taliban (Islamic Emirate of Afghanistan) and the Northern Alliance (the Islamic State of Afghanistan), reflects the desire of the factions to promote Islam as a state religion. Some 85 percent of the population is Sunni Muslim, and Shi'a Muslims constitute most of the remainder. The Hazara ethnic group is predominantly Shi'a; Hazaras are among the most economically disadvantaged persons in the country. The Hazara Shi'a minority want a national government to give them equal rights as citizens. There are unconfirmed reports that the Taliban have occupied and "cleaned" Shi'a mosques for the use of Sunnis.

The Taliban sought to impose their extreme interpretation of Islamic observance in areas that they control. Prayer is mandatory for all, and those who are observed not praying at appointed times or who are late attending prayer are subject to beat-

ings. Members of the Ministry for the Promotion of Virtue and Suppression of Vice, which was raised to the status of a ministry in May 1998, regularly check passersby to see that men's beards and apparel meet Taliban requirements, to ensure that women are dressed in strict traditional Taliban-approved garb, and to ascertain that women are not in the company of men who are unrelated to them (see Section 5). There have been reports that PVSV members in Kabul stopped persons on the street and quizzed them to determine if they knew how to recite various Koranic prayers. According to regulations, a man who has shaved or cut his beard may be imprisoned. Beards must protrude farther than would a fist clamped at the base of the chin. All students at Kabul University reportedly are required to have beards in order to study there (no female students are allowed). There also are credible reports that Taliban members gave forced haircuts to males in Kabul. Enforcement of Taliban social strictures is much stricter in the cities, especially Kabul.

The small number of non-Muslim residents in the country may practice their faith, but may not proselytize. Almost all of the country's small Hindu and Sikh population, which once numbered about 50,000, has emigrated or taken refuge abroad. There were reports that Hindus are required to wear a piece of yellow cloth attached to their clothing to identify their religious identity; Sikhs reportedly were required to wear some form of identification as well. This rule allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by the PVSV. Human Rights Watch reported that in September, the Taliban issued decrees that forbade non-Muslims from building new places of worship; prohibited non-Muslims from criticizing Muslims; ordered non-Muslims to identify their homes by placing yellow cloth on their rooftops; and required non-Muslim women to wear a yellow dress with a special mark.

In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their takeover of that city earlier in the year. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers, and that the statutes were being protected by the Taliban from further harm. Some Taliban leaders claimed tolerance of religious minorities, although there reportedly have been restrictions imposed upon Shi'a Muslims in Taliban-controlled territory. Such restrictions have not been imposed on a uniform basis.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, millions of landmines, a road network in a state of disrepair, and limited domestic air service, complicated by factional threats to air traffic. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes, while others reported no such difficulty. The Taliban's restrictions on women further curtail freedom of movement (see Section 5). Despite these obstacles, many persons continued to travel relatively freely, with buses plying routes in most parts of the country. However, due to intermittent fighting in various areas, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered. International travel continued to be difficult as both the Taliban and Masood threatened to shoot down any planes that flew over areas of the country that they controlled, without their permission.

Commercial trade was impeded in certain non-Taliban areas, as local commanders and criminals continued to demonstrate their control over the roads by demanding road tolls and sometimes closing roads. There were reports in 1998 that some Taliban commanders, who previously gained popularity by sweeping away the checkpoints that local warlords used to shake down travelers, were setting up checkpoints themselves and demanding tolls for passage, but there were no such reports during the year.

There also have been instances of the forcible expulsion of individuals on ethnic grounds. During the year, there were reports of forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban.

Afghans continued to form one of the world's largest refugee populations. According to the U.N. High Commissioner for Refugees, about 2.6 million Afghans remain outside the country as registered refugees: 1.4 million in Iran, 1.2 million in Pakistan, 20,000 in Russia, 17,000 in India, and 9,000 in the central Asian republics. Women and children constitute 75 percent of the refugee population. In addition, there are more than 300,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to Afghanistan in the peak year of 1992. Although the continued fighting has discouraged many refugees from returning to their country, 88,000 returned between January and October 1998. As many as 10,000 Afghans in Iran were repatriated to the country between December 1998 and January;

it is not known how many of these persons were refugees or how many were repatriated forcibly. Many were reportedly ethnic Hazara or Tajik. However, by year's end, some 75,000 Afghans reportedly were repatriated forcibly to Afghanistan from Iran, without a determination as to refugee status.

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

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or choosing their leaders peacefully and democratically. Most political changes came about through shifting military fortunes. No faction held elections or respected citizens' right to change their government democratically.

The Taliban movement's authority emanates from its leader, Mullah Omar, who carries the title Commander of the Faithful, and from the Taliban's military occupation of most of the country. Governmental functions are exercised through the key Taliban governing body, the Inner Shura (Council) based in Kandahar, and by ministries based in Kabul.

The Northern Alliance, headed by nominal President Rabbani, holds power with de facto Defense Minister Masood as Rabbani's primary military backer. Rabbani received nominal support from General Dostam, and a faction of the Shi'a Hazara Hezb-i-Wahdat. Another faction of the Hezb-i-Wahdat nominally allied with the Taliban early in the year. Rabbani and Masood control the northeastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul.

Discontent with the Taliban's strictures and rural village values was strong in large, non-Pashtun cities such as Herat, Kabul, and other northern cities. The Taliban's military successes did not encourage the group's leaders to engage meaningfully in political dialog with opponents. Efforts in 1998 to convene a national body of Muslim scholars (ulema) to discuss the future of the country broke down when both the Taliban and the Northern Alliance disagreed over the possible membership and sequence of the talks. Peace talks convened in April 1998 in Ashgabat, Turkmenistan, but broke down quickly. Moderate and neutral Afghans, mostly living outside of the country, continue their efforts to organize a traditional Grand National Assembly (Loya Jirga), and held meetings in Rome in July and November. The former King supports this process. Another group of moderates met several times during the year in Cyprus and Tehran.

The United Nations and the international community continued their efforts to help Afghans reach a political settlement. U.N. Special Envoy Lakhdar Brahimi announced late in the year that he had "frozen" his work as a consequence of the nonresponsiveness of Afghanistan's neighbors.

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

There are many NGO's, both domestic and international, in the country. Some are based in neighboring countries, mostly Pakistan, with branches inside Afghanistan; others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

All factions harassed domestic and international NGO's. The Taliban have interfered consistently with the operation of the United Nations and NGO's. Tactics used have included threatening to impound the vehicles of NGO's that do not work on projects preferred by the Taliban, threatening to close projects that do not include Taliban supervisors or workers, and, in the case of one local NGO, the detention of its director and the impounding of all of its equipment in an effort to increase Taliban control of the organization. The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a move that hampered NGO and relief operations. The United Nations withdrew its personnel from southern Afghanistan in late March 1998 to protest the assault on a U.N. worker by the Taliban governor of Kandahar province and the interference with its work by the Taliban. After reaching agreements with local officials, the U.N. returned to Kandahar in May. In April 1998, Taliban authorities rejected the participation of a U.N. official on the U.N. team selected to negotiate with the Taliban on the travel restrictions for foreign Muslim women and other issues, because he was perceived to be "anti-Taliban." In June 1998, the Taliban required all NGO's in Kabul to relocate to a single location in a bomb-damaged former school; those who refused were threatened with expulsion from the country. However, the order was not enforced. In November 1998,

the U.N. World Food Program (UNWFP) accused the Taliban of looting 1,364 tons of food, stealing trucks from the UNWFP's compound in Bamiyan, and occupying UNWFP offices in Bamiyan and Yakaolang.

In June and July 1998, several Afghan workers for international NGO's were detained for questioning by the Taliban, but most were released within a few days. In July 1998, two Afghan U.N. workers were abducted and killed by unknown assailants; one of the bodies bore signs of torture. In August 1998, Lieutenant Colonel Carmine Calo, who was serving with the United Nations Special Mission, was killed in Kabul, triggering the departure of most foreign U.N. and NGO staff members from the country.

However, the working environment for the U.N. and humanitarian community improved somewhat during the year. U.N. and other expatriate workers began returning early in the year following normalization of the security environment. However, on June 15 staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan province. After the June incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November U.N. properties were targeted in organized demonstrations in several cities when U.N. sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remain largely unresolved.

For much of 1998, Northern Alliance and autonomous commanders also prevented NGO's and international organizations from delivering humanitarian assistance. There were reports that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid.

The Afghan League of Human Rights operated both in Afghanistan and Pakistan; it produces an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operated in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation. It also monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. The National Commission on Human Rights in Afghanistan began operations during 1998 in Pakistan, conducting seminars on human rights issues, issuing press statements criticizing specific instances of human rights abuses, and placing articles in Pashtu and Dari newspapers. The Afghanistan Commission for Human Rights, founded in 1997 after discussions with Taliban authorities on Islamic aspects of human rights, also started activities in Pakistan in 1998, focused on the plight of Afghan prisoners in Pakistani prisons and on children's rights. However, the civil war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside Afghanistan.

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

There is no functioning constitution, and therefore there are no constitutional provisions that prohibit or protect against discrimination based on race, sex, religion, disability, language, or social status. It is not known whether specific laws prohibit discrimination; local custom and practices generally prevail. Discrimination against women is prevalent throughout the country. Its severity varies from area to area, depending on the local leadership's attitude towards education for girls and employment for women and on local attitudes. Historically, the minority Shi'a faced discrimination from the majority Sunni population. There has been greater acceptance of the disabled as the number of persons maimed by landmines increased, and the presence of the disabled became more widespread. During the year, the Taliban on at least one occasion sought to execute a homosexual by toppling a wall to crush the victim; however, the person reportedly survived (see Sections 1.a. and 1.c.).

Women.—As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnapings, and killings. 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 the problem. Although the stability brought by the Taliban to most of the country acted in general to reduce violence against women, particularly rapes and kidnapings, Taliban members continued to threaten or beat women to enforce the Taliban's dress code for women. There were unconfirmed reports that the Taliban or foreign "volunteers" fighting alongside the Taliban abducted women during the August military offensive in the Shomali plains; there were also unconfirmed reports that Taliban soldiers raped and

abducted women from Hazara neighborhoods in Mazar-i-Sharif in August 1998. The whereabouts of some of these women were unknown at year's end. The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape. In a climate of secrecy and impunity, it is likely that domestic violence against women remained a serious problem.

Women accused of adultery offenses also are subjected to violence. Adultery is punishable by death through stoning. At least one accused adulteress was sentenced to 100 lashes in 1998; her sentence was carried out publicly (see Section 1.c.). One woman convicted of killing her husband in 1997 was executed publicly by a firing squad in the Kabul sports area in November.

Overall, the situation of women and girls remained mostly unchanged, as the Taliban generally continued the application of their ultra-conservative interpretation of Islamic law.

In 1992 a new government was installed and the previous trend towards increasing numbers of women working outside of the home was reversed. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified.

The treatment of women under Taliban rule has been particularly harsh, although there was marginal improvement in some areas during the year. In the areas where they took control, the Taliban initially 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. In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to quit their jobs as professionals and clerical workers, including teachers, doctors, nurses, bank tellers, and aid workers. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. The prohibition on women working outside of the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. Many women reportedly have been reduced to selling all of their possessions and to begging to feed their families.

However, during the year, restrictions on women's employment reportedly eased somewhat. The Taliban allowed Afghan women to work in the medical sector as doctors and nurses, treating other women. Medicins Sans Frontieres and other international NGO's reported that they were able to recruit both male and female health care staff without administrative obstacles, and that the main difficulty faced in recruitment of medical staff was the lack of qualified female personnel. However, during the year there were reports that the Taliban reopened schools for doctors and nurses, and that women were allowed to attend. A limited number of women were allowed to work for international agencies and NGO's, but they were not allowed to work in the offices of their employers; they were required to go directly from their homes to the project sites on which they worked. A Taliban edict issued during the year allowed needy widows with no other means of support to seek employment; but many widows reportedly were unaware of the change, and there is little work available. Women reportedly were allowed to claim international assistance directly rather than through their close male relatives, as a 1997 edict stipulated; the Taliban's edict had required that international assistance be provided to women through their close male relatives rather than directly. However, male relatives still were required to obtain the permission of the Ministry for the Promotion of Virtue and Suppression of Vice for female home based-employment.

Girls were formally prohibited from attending school. Formal restrictions against the education of girls remain, apart from instruction provided in mosques, which is mainly religious in content. However, there are a growing number of girls educated by international NGO's in formal schools, community-based schools, and home schools (see Section 5).

Most Afghans lack any access to adequate medical facilities, and the provision of health care under Taliban rule remains poor. Life expectancy rates are estimated at 44 years for women and 43 years for men. In most regions, there is less than one physician per 10,000 persons. Health services reach only 29 percent of the population and only 17 percent of the rural population. Clean water reaches only about 12 percent of the population. Health care for both men and women was hampered by the Taliban's ban on images of humans, which caused the destruction of public education posters and made the provision and dissemination of health information in a society with high levels of illiteracy more difficult. Tuberculosis rates for women and maternal mortality rates are extremely high. However, the Taliban significantly reduced women's access to health care, although it has since loosened restrictions somewhat. In 1997 the Taliban announced a policy of segregating men and women in hospitals; this policy reportedly continued at year's end. In 1997 in an attempt

to centralize medical care for women, the Taliban also directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction, which resulted in a drastic reduction in access to, and the quality of, health care for women. Later, women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics; since June 1998 they have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice women were excluded from treatment by male physicians in most hospitals. These rules, while not enforced universally, made obtaining treatment extremely difficult for most women, and especially for Kabul's widows, many of whom have lost all such male family members. Further, even when a woman was allowed to be treated by a male doctor, he was prohibited from examining her except if she were fully clothed in Taliban-approved garb, and from touching her, thus limiting the possibility of any meaningful treatment. The participants in a 1998 survey of 160 Afghan women reported poor or no access to health care in Kabul. Most of the participants also reported a decline in their mental health. However, there were credible reports that the restrictions on women's health care were not applied in practice at year's end, and that there were some improvements in access to health care for women during the year. At year's end, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, but there was only one maternity hospital in the country.

The Taliban decreed what women could wear in public. Women in public spaces were required to wear a burqa, a loose, head-to-toe garment that has a small cloth screen for vision. While in many, particularly rural, areas of the country, the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many women, particularly in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, reportedly have been beaten by Taliban militiamen. Some poor women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one.

During the year, there were reports of differences in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women apparently is not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms, and legs. Women in their homes must not be visible from the street; the Taliban require that homes with female occupants have their windows painted over.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative ran the risk of beatings by the Taliban. Some observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. Women only may ride on buses designated as women's buses; there are reportedly not enough such buses to meet the demand, and the wait for women's buses can be long. In December 1998, the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains, and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers, and that neither the drivers nor the fare collectors were to mingle with the passengers.

Amnesty International has reported that the Taliban have ordered the closure of women's public baths.

Women are also forbidden to enter mosques or other places of worship unless the mosque had separate sections for men and women. Most women pray at home alone or with other family members. Women also reportedly have been prohibited from appearing on the streets for certain periods during the month of Ramadan.

The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the Ministry for the Promotion of Virtue and Suppression of Vice. The United Nations and numerous other interlocutors noted that the edicts are enforced with varying degrees of rigor throughout the country. The restrictions were imposed most heavily in urban areas, where women

had enjoyed wider access to educational and employment opportunities before the Taliban gained control.

The U.N. Special Rapporteur on Violence Against Women noted after her September visit some improvements in the status of women, including the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul; increased access of women to health care; and the permission given for widows to work. The Special Rapporteur on Violence Against Women also noted continuing violations of the physical security of women and the practice of lashings and public beatings; violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights, including the existence of polygyny and forced marriage. She also noted that minority women sometimes were subject to forced displacement and that there were some cases of trafficking in women and children (see Section 1.f.).

Children.—Local administrative bodies and international assistance organizations undertook to ensure children's welfare to the extent possible; however, the situation of children is very poor. Infant mortality is 250 out of 1,000 births and Medicins Sans Frontieres reports that 250,000 children per year die of malnutrition. One quarter of children die before the age of 5. Approximately 45 percent of the population is made up of children age 14 or under. The Taliban's restrictions on male-female medical treatment have had a detrimental effect on children. Physicians for Human Rights has reported that children sometimes are denied medical care when the authorities do not let male doctors visit children's wards, which may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers. A UNICEF study also reported that the majority of children are highly traumatized and expect to die before reaching adulthood. 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.

Taliban restrictions on the movement of women and girls in areas that they controlled hampered the ability of U.N. agencies and NGO's to implement effectively health and education programs aimed at both boys and girls.

The educational sector currently is characterized by limited human and financial resources; the absence of a national educational policy and curriculum; the unpreparedness of the authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education, according to a report by the Gender Advisor to the U.N. System in Afghanistan. Female literacy is approximately 4 percent, compared with an overall literacy rate of 30 percent. There have been reports that the ban on women working outside of the home has hampered the education of boys, since a large percentage of the country's teachers were women prior the advent of Taliban rule.

The Taliban have eliminated most of the formal opportunities for girls' education that existed in areas that they have taken over; however, some girls' schools still operate in rural areas and some towns. Some girls also are receiving an education in informal home schools, which are tolerated to varying degrees by the Taliban authorities around the country. During the year, there were reports that the number of children that these home schools reach was increasing, and that there has been an increase in the attendance of girls in various educational settings, including formal schools. However, in June 1998, more than 100 NGO-funded girls' schools and home-based women's vocational projects were closed by the Taliban in Kabul. In 1998 the Taliban also stated that schools would not be allowed to teach girls over the age of 8, that schools teaching girls would be required to be licensed, and that such schools would be required to limit their curriculums to the Koran. However, the Taliban's implementation of educational policy is inconsistent and varies from region to region, as well as over time.

In September the U.N. Special Rapporteur on Violence Against Women noted the existence of home schools and also of limited primary educational institutions for girls run by the Religious Ministry in Kabul. The U.N. Special Rapporteur on Violence Against Women was told by the Taliban in September that primary education is available to girls between the ages of 6 and 10, and that this was dispensed in mosque schools under the Ministry of Religious Affairs. About three-quarters of the curricula in the Ministry of Religious Affairs schools reportedly deals with religious and moral subjects. Taliban-sponsored public schools, at both the elementary and secondary levels, provide education only to boys, and emphasize religious studies. However, schools run by NGO's and international donors are mostly open to both boys and girls.

Despite the limitations on education and the Taliban's restrictions on female education, approximately 25 to 30 percent of boys were estimated to be enrolled in school and up to 10 percent of girls were estimated to attend some form of school, whether NGO-run, mosque schools, or

home schools, according to UNICEF. This represents a modest increase in both boys' and girls' school enrollment over the last 5 years. Prior to the Taliban takeover in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten to 12, according to a U.N. survey. During the year, approximately 300,000 to 350,000 school-age children attended schools run or funded by various assistance agencies and NGO's. The Swedish Committee for Afghanistan (SCA) reported that it served 175,000 students in 567 schools; most these were formal schools, but 39 were home schools. In a few areas, over 50 percent of students reportedly were girls. The SCA reported that 20 percent of the students in its formal schools, mostly located in rural areas, are girls. Many boys also were being educated in home schools, because of administrative problems in the Taliban-run schools, including problems in the payment of teachers' salaries. A high proportion of the students in Northern Alliance-controlled territory reportedly were girls. In areas newly captured by the Taliban, such as Hazarajat, the community successfully petitioned Taliban representatives to reopen the schools. In Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Nonetheless, approximately 5 percent of girls were enrolled in school in Kandahar; approximately 20 percent of girls were enrolled in Herat. During the year, demand for education reportedly is increasing among refugees and returnees to Afghanistan, but some families have sent girls abroad for education in order to evade the Taliban's prohibitions on females attending school.

There have been unconfirmed reports that the Taliban use child soldiers. There were some cases of trafficking in children (see Section 6.f.).

The Taliban have banned certain recreational activities, such as kite flying and playing chess. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings.

People with Disabilities.—There are few measures to protect the rights of the mentally and physically disabled or to mandate accessibility for them. Victims of landmines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. It is believed that there was more public acceptance of the disabled because of the increasing prevalence of the disabled due to landmines or other war-related injuries. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the burqa over the prosthesis or other aid.

National/Racial/Ethnic Minorities.—It is estimated that thousands of members of the ethnic Hazara minority may have been killed by the Taliban in 1998 (see Section 1.a.).

During the year, there were reports of forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban.

There were reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. Ethnic Hazara, who are overwhelmingly Shi'a, reportedly have been targeted for ethnically-motivated attacks, in particular by the overwhelmingly Sunni and ethnic Pashtun Taliban forces.

Section 6. Worker Rights

a. *The Right of Association.*—Little is known about labor laws and practices, although only an insignificant fraction of the work force has ever labored in an industrial setting. There were no reports of labor rallies or strikes. Labor rights are not defined, and in the context of the breakdown of governmental authority there is no effective central authority to enforce them. Many of Kabul's industrial workers are unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. The only large employer in Kabul is the governmental structure of minimally functioning ministries.

Workers in government ministries reportedly have been fired because they had received part of their education abroad, or because of contacts with the previous regimes, although certain officials in previous administrations still are employed under the Taliban. Others reportedly have been fired for violating Taliban regulations concerning beard length.

b. *The Right to Organize and Bargain Collectively.*—Afghanistan lacks a tradition of genuine labor-management bargaining. There are no known labor courts or other mechanisms for resolving labor disputes.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Little information is available on forced or compulsory labor, including child labor. There have been reports that the Taliban forced prisoners to do construction work at Kandahar prison (see Section 1.c.). There have been credible reports that Masood forced Taliban prisoners to work

on road and airstrip construction projects. There were some cases of trafficking in women and children (see Section 6.f.).

d. *Status of Child Labor Practices and Minimum Age for Employment.*—There is no evidence that authorities in any part of the country enforce labor laws, if they exist, relating to the employment of children. Children from the ages of 6 to 14 often work 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 expose children to the danger of landmines.

e. *Acceptable Conditions of Work.*—There is no available information regarding a statutory minimum wage or the enforcement of safe labor practices. Many workers apparently are allotted time off regularly for prayers and observance of religious holidays.

f. *Trafficking in Persons.*—There is no available information regarding legislation prohibiting the trafficking in persons. The U.N. Special Rapporteur on Violence against Women reported that there were some cases of trafficking in women and children (see Section 5). There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August, and that women taken in trucks from the area of fighting were trafficked to Pakistan and to the Arab Gulf states.

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Prime Minister Sheikh Hasina is the leader of the Awami League, which came to power in 1996 in national elections deemed to be free and fair by international observers. There is an active political opposition. Violence is a pervasive feature of politics, including political campaigns and elections, and elections frequently are marred by violence, intimidation of voters, and rigging. The major opposition political parties often boycott or otherwise absent themselves from Parliament, making it a less effective deliberative body. The Awami League Government has been accused of abusing its parliamentary majority to prevent real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions.

The Home Affairs Ministry controls the police and paramilitary forces, which bear primary responsibility for maintaining internal security. Civilian authorities' control over the police is weak, and there is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses.

Bangladesh is a very poor country. Annual per capita income among the population of 128 million is less than $300. Slightly more than half of all children are chronically malnourished. Seventy percent of the work force is involved in agriculture, which accounts for one-third of the gross domestic product. The economy is market-based, but the Government still plays a significant role. The industrial sector is growing, albeit slowly, based largely on the manufacture of garments and textiles by privately owned companies. A small wealthy elite controls much of the private economy, but there is an emerging middle class. Foreign investment has increased significantly in the gas sector and in electrical power generation facilities. Foreign aid is still significant, but has diminished somewhat in relative importance vis-a-vis increased earnings from exports and remittances from workers overseas. Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak. Periodic natural disasters, including a severe flood in 1998, also hamper development. Despite the flood, the economic growth rate during the last fiscal year was about 5 percent.

The Government continued to restrict or deny many fundamental rights, and failed to prevent or punish abuses committed by others. Police committed a number of extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators, at times Members of Parliament (M.P.'s). The Government rarely convicts and punishes those responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody is a problem. The Government continued to arrest and detain per-

sons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges. The Government filed numerous criminal cases against opposition leaders and activists; at least some times, these charges were false. Much of the judiciary is subject to executive influence and suffers from corruption. A large case backlog slowed the judicial process, and lengthy pretrial detention was a problem. The Government sometimes infringed on citizens' privacy rights. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others, occasionally occurred. 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 continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Discrimination against the disabled, indigenous people, and religious minorities was a problem. There was occasional violence against members of the Ahmadiya religious minority. The Government continued to limit many worker rights. Some domestic servants, including many children, work in conditions that resemble servitude, and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. However, a 1995 agreement has eliminated about 95 percent of child labor in the export garment sector, the main export industry. Trafficking in women and children for the purpose of forced prostitution and at times for forced labor remained serious problems. Both ruling and opposition political parties and their activists routinely employed violence, causing many deaths and numerous injuries. Vigilante justice resulted in numerous killings.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Police committed a number of extrajudicial killings.

Security forces sometimes used unwarranted lethal force. In March police in Jhenidah shot and killed a student who was part of a village crowd that was holding five policemen whom the residents accused of street robbery. On March 14, police officers in Dhaka drowned college student Mujibur Rahman. Police had searched the Rahman family's house, purportedly looking for stolen goods. Mujibur Rahman attempted to flee by boat across a nearby lake after police began to beat his sister, Shilpi, at the house. Eyewitnesses saw pursuing police in another boat hit Rahman with bamboo sticks, fling him into the water, then continue to strike him until he drowned. Authorities took no action against the police involved in the Jhenidah or Mujibur Rahman incidents. On July 3, three policemen in Dhaka allegedly severely beat a young man they had detained, Mohammed Shahjada Tuku, then threw him into a canal where he drowned. As of year's end, no one was arrested in this case.

According to government figures, 101 persons died in prison and police custody during the first 9 months of the year (see Section 1.c.).

Most abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances where there was evidence of police culpability for extrajudicial killings, the authorities took action. In March four police officers were charged with murder after a body was found in the rooftop water tank of the Detective Branch in Dhaka. A police sergeant in Agargaon was arrested and charged in July after he shot and killed a rickshaw puller.

Court proceedings continued against 13 persons, including 12 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. There was no verdict as of year's end. However, the Government decided that the July 1998 police shooting of a female squatter in Satkhira was justifiable self defense in the face of mob attacks during an eviction protest. A police inquiry into the shooting deaths of four persons by police after a 1997 opposition rally in Chittagong ruled that the violence had been provoked by the opposition, and that police exercised restraint.

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad was granted bail in 1997. In late 1998, immediately after Ershad took a stronger stance against the Government, the Prime Minister made remarks implying that the Government might accelerate the case. There were some preliminary

court proceedings in the murder case during the year, and the Government unsuccessfully requested the High Court to revoke Ershad's bail.

In 1998 a judge convicted and sentenced to death 15 persons for the 1975 murder of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina) and several of his family members (see Section 1.e.). The High Court's review of the death sentences was still pending at year's end.

The Government continued to imprison eight individuals accused of perpetrating the November 1975 murders of four senior Awami League leaders who were then in jail (see Sections 1.d. and 1.e.).

Violence, often resulting in killings, is a pervasive element in Bangladeshi politics (see Sections 1.c. and 3). Supporters of different political parties, and sometimes supporters of different factions of one party, often clash with each other and with police during rallies and demonstrations. Awami Leaque supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties (see Sections 2.b. and 3), which resulted in numerous deaths. Opposition parties also used armed violence and intimidation to disrupt their opponents' gatherings and rallies, as well as to enforce general strikes (see Section 2.b.). During the year, 24 persons died in hartal-related violence.

During an opposition-called hartal on February 9, eyewitnesses saw Maqbul Hossain, an Awami League Member of Parliament (M.P.) for the Dhanmondi area of Dhaka, lead a procession of vehicles to defy the strike. According to witnesses, members of Maqbul's motorcade brandished guns and other weapons openly. When the convoy encountered two groups of activists from the Bangladesh Nationalist Party (BNP), the major opposition party, being chased by police, armed men exited their vehicles, fired shots in the air, and chased the BNP supporters. Two young men were seized and dragged towards Maqbul Hossain's car, whereupon M.P. Hossain ordered them to be killed. Members of Hossain's entourage then shot in the chest at point-blank range one of the men, BNP activist Sajal Chowdhury; the other was beaten (see Section 1.c.). About a dozen police officers who were standing nearby in riot gear made no effort to intervene or to apprehend the gunmen, nor did the Government later take action against those responsible. However, police summoned the family of Chowdhury, which filed a murder complaint against M.P. Hossain and the armed men, for repeated interrogations. One family member was arrested on criminal charges, then detained under the SPA after a judge granted him bail (see Section 1.d.). Newspapers largely did not report the story (see Section 2.a.). Eight persons were killed in hartal-related violence during the nationwide strike held February 9–11.

On February 23, during the first day of a 3-day hartal, a rickshaw pullers' union activist affiliated with the Awami League was killed when a bomb was thrown at an antihartal procession. A BNP activist also was killed in Barisal (see Section 3). On February 24, the second day of the hartal, three more persons were killed, one each in Feni, Pabna, and Rajshahi (see Sections 1.c. and 2.a.).

In March two persons were killed while making bombs at a ruling party M.P.'s residence in Sylhet; credible reports state that the bombs were to have been used in local intra-party conflicts. Police arrested the M.P. in May for involvement in bomb making. The M.P. was on bail, and the case remained pending at year's end. On February 16, masked gunmen shot and killed Jatiya Samajtantrik Dal leader Kazi Aref Ahmed and five other party officials as they were addressing a public rally in a village near Kushtia. On March 7, two bombs that exploded in Jessore killed eight persons attending the performance of the left-affiliated cultural group Udichi Shilpa Gosthi (see Section 1.c.). While authorities charged or detained opposition leaders and activists in both incidents, the identity of the perpetrators remained unclear at year's end (see Section 1.d.).

One policeman died and eight others were injured on July 7 when several small bombs were hurled at riot police after an opposition procession ended in central Dhaka. One man died on July 8 when a brick was thrown through a bus window. Authorities later initiated a formal investigation of 150 opposition leaders and activists, including four M.P.'s; the opposition blamed an agent provocateur from the ruling party for the bombing incident.

In August BNP activist Chowdhury Shahen Shah was stabbed to death. The BNP asserts that Awami League activists killed him; police claim that he was attacked over a family land dispute. Awami League activists chopped to death a BNP youth front leader in Natore on the first day of a 60-hour opposition-called hartal that ended on September 15 (see Section 1.c.). On November 7, during the first day of a 42-hour opposition-led hartal, a stray bullet, allegedly shot by a police officer, killed a housewife, and a BNP ward leader was shot and killed by unidentified assailants (see Section 1.c.).

Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. Several persons were killed in local factional disputes within the student wing of the ruling Awami League, including incidents in Chittagong, Rajshahi, and Sirajganj (see Sections 1.c. and 2.a.).

There was occasional violence against members of the Ahmadiya religious minority. For example, on October 8, a bomb exploded during Friday prayers at an Ahmadiya mosque in Khulna, killing at least six persons and injuring others (see Sections 1.c. and 5).

Vigilante violence against criminals by private citizens is common. The Government reported that 20 persons were killed by vigilantes as of September 30. Authorities rarely arrest and punish those responsible for vigilante violence. Ten persons were beaten to death by vigilante mobs in Dhaka and Chittagong in a 1-month period beginning August 3; authorities charged no one in the deaths. Two men who allegedly attempted to rob a woman were beaten to death by a mob next to the National Mosque in downtown Dhaka on August 3. An August 21 editorial in a proruling party newspaper criticized the spate of killings, and attributed the phenomenon to the public's lack of faith in the law enforcement system.

Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and sometimes is led by religious leaders (see Section 5).

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

There were no developments in the 1996 disappearance of Kalpana Chakma, central organizing secretary of the Hill Women's Federation, an organization of tribal people in the Chittagong Hill Tracts.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue. After several Dhaka policemen were arrested in 1998 for allegedly beating to death a college student in police custody (see Section 1.a.), the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain information. Housewife Nasima Begum was beaten after her arrest under the SPA on April 25, then subjected to harsh interrogation lasting several days (see also Section 1.d.).

Rape of female detainees in police or other official custody is a problem. Authorities routinely do not take action against those responsible, nor do they move to correct the circumstances that promote such abuses. According to human rights groups and media reports, police engaged in violence and looting during the July raid of the Tanbazar and Nimtali red-light districts, allegedly attacking residents as well as over 40 female human rights activists who were protesting the eviction. In July the evicted sex workers, who were detained forcibly in a center for vagrants, alleged that the guards, center employees, and the vagrants who were staying at the center tortured and raped some of them because they refused to provide sexual favors (see Section 1.f.). Police also rape women who are not in custody.

On September 14, a police constable allegedly raped a 15-year-old girl in a government building in Tangail; the girl had been visiting a relative in an adjacent medical clinic. In addition after women report that they were raped (or were involved in family disputes), they frequently are detained in "safe custody," where they endure poor conditions, and sometimes are raped or otherwise abused (see Sections 1.d. and 5).

According to family members throughout her April and May imprisonment (see Sections 1.d. and 1.e.), police did not permit Zobaida Rashid, wife of a convicted murderer of Sheikh Mujib Rahman, access to necessary medications or other health care. Prison guards slapped and kicked Zobaida occasionally, denied her proper food, and did not permit other prisoners to talk with her.

The police often employ excessive, sometimes lethal, force in dealing with opposition demonstrators (see Sections 1.a., 2.b., and 3). On January 26, during an opposition-enforced hartal, police reportedly beat a BNP M.P. near the National Press Club in Dhaka; the M.P. was admitted later to a hospital with head injuries (see Sections 1.a., 2.b., and 3). On February 9, police did not interfere as an Awami Leaque M.P. ordered the killings of two BNP activists; one was shot to death and the other was beaten with a pistol (see Section 1.a.). On February 11, police shot Shafiul Alam Prodhan, president of the small opposition party Jatiya Ganotantrik, with pellets in Central Dhaka. Allegedly, police suddenly launched an attack on the party's prohartal procession, and shot Prodhan from behind. Police and ruling party

activists also reportedly opened fire on a procession of opposition-party Jamaat-e-Islami members in downtown Dhaka, wounding three Jamaat activists and a roadside vendor. During a general strike on May 11, police beat several senior opposition leaders leading a procession. Police injured at least 20 persons, including 5 journalists, when they fired rubber bullets and tear gas. Police also partially stripped one opposition female demonstrator of her sari. On February 24, in Dhaka, a rickshaw puller had his arm blown off in front of the National Press Club; some eyewitnesses said that the bomb came from a bus manned by antihartal activists, while others said that it came from nearby prohartal activists. Police apprehended no one in the incident, but clubbed the bus passengers before letting them go on their way. Police also beat at least four photographers taking pictures of the incident (see Section 2.a.).

Police corruption remains a problem and there were credible reports that police facilitated or were involved in trafficking in women and children (see Section 6.f.).

Both opposition and ruling parties routinely use actual or threatened violence to achieve political ends. Violence is a common feature during rallies, demonstrations, and general strikes. For example, several persons were killed and over 350 persons of various parties were injured by gunshots, bombs, stab wounds, and clubs, during a 3-day hartal in February (see Sections 1.a., 2.b. and 3). On March 7, two bomb explosions killed 8 persons and injured over 100 persons in Jessore (see Sections 1.a. and 1.d.).

Some opposition political activities allegedly are staged with the intent of provoking violent clashes, in order to embarrass the Government and galvanize public opinion (see Section 2.b.). A September 12 opposition sit-in around the Secretariat, the office complex in central Dhaka where most government ministries have their headquarters, ended in police clashes with the opposition when several small bombs were thrown near police, and police responded with tear gas and rubber bullets. In addition police beat several BNP leaders, including four M.P.'s. More than a dozen police members received bomb injuries over the 3 days. On September 13, after a policeman received a head injury from a bomb blast, angry police officers chased and beat many nearby pedestrians, administering a severe beating to one middle-aged man emerging from a mosque. The opposition claimed that ruling party provocateurs were responsible for the bombs. During the violence at the sit-in, and the ensuing 3-day nationwide general strike called by the opposition, 1 person was killed and at least 300 persons were injured (see Sections 1.a. and 1.d.). During a November 8 hartal, police fired rubber bullets at a BNP procession, wounding BNP M.P. Sadeq Hossain Khoka, former Environment Minister Abdullah Al Noman, and a BNP city ward commissioner. In addition to several other deaths, newspapers estimated that more than 80 persons were injured during the hartal (see Section 1.a.).

During a November 15 parliamentary election in Tangail, at a polling center voters began to throw stones at security forces, which then opened fire. Police wounded nine persons, many seriously (see Section 3).

During the February 16 murder attack of Kazi Aref Ahmed, unknown gunmen killed 6 persons and injured over 20 others (see Section 1.a.). The slayings seemingly were part of settling scores between local splinter political parties which have evolved into gangs.

In October 6 persons were killed and 40 persons were injured when a bomb exploded inside of a Khulna mosque (see Sections 1.a. and 5).

There was occasional violence against members of the Ahmadiya religious minority. In January several hundred persons attacked the Ahmadiya place of worship in Kushtia, beating many devotees and destroying property (see Section 5).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions occurs, and may include humiliating, painful punishments (see Sections 1.a. and 5).

Prison conditions are extremely poor for the majority of the prison population. Official figures indicated that 100 persons died in prison as of September 30 (see Section 1.a.). According to credible sources, poor conditions were at least a contributing factor in many of these deaths. Most prisons are overcrowded and lack adequate facilities. According to government figures, the current prison population of more than 60,000 is roughly 250 percent of the official prison capacity. In some cases, cells are so crowded that prisoners sleep in shifts. A 1998 judicial report noted the poor physical condition of jails and unhygienic food preparation. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers generally are 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 is common. Conditions in A and B cells are markedly better; A cells are reserved for prominent prisoners.

In general the Government does not permit prison visits by independent human rights monitors (see Section 4). Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges also visit prisons monthly, but rarely disclose 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 (the SPA) 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, authorities frequently violate these constitutional provisions, even in non-preventive detention cases. In an April ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers.

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 are charged with a crime, while others are released without any charge. According to the Government, 1,329 persons were detained in Dhaka alone under Section 54 through September 30. In 1998 the Home Minister acknowledged that police abuse Section 54. The Government sometimes uses Section 54 to harass and to intimidate members of the political opposition and their families. After a bomb exploded in Jessore in March, police quickly detained 46 activists of the Jamaat-e-Islami and its student front, many under Section 54. There did not appear to be concrete evidence tying those detained to the crime, and the activists eventually were released (see Sections 1.a. and 1.c.). In addition police commonly detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. On September 13, police arrested the one non-M.P. in a prohartal procession of nine BNP leaders. The police also on occasion detain persons for personal vengeance.

Under the SPA, the Government or a district magistrate may order anyone 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 Government (or magistrate) must inform the detainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. 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. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. Appellate courts sometimes order authorities to release SPA detainees after finding that the Government is unable to justify the detention. 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 are either too poor or, because of strict detention, are unable to obtain legal counsel and thereby move the case beyond the magistrate level. Magistrates are subject to the administrative controls of the Law Ministry and are less likely to dismiss a case (see Section 1.e.). Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. While in the past the Government has held incommunicado some prominent prisoners, there were no known cases of incommunicado detention during the year.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. If bail is not granted, the law does not specify a time limit on pretrial detention. Persons arrested under the Women and Children Repression Prevention Act, which provides special procedures for persons accused of violence against women and children, cannot be granted bail during an initial investigation period of up to 90 days. Some human rights groups express concern that a large number of allegations made under the act are false, since the non-bailable period of detention is an effective tool for exacting personal vengeance. According to government figures, 1,968 persons were detained under this act during the first 9 months of the year.

Prisons often are used to provide "safe custody" for women who are victims of rapes or domestic violence (see Sections 1.d. and 5). One study conducted by the

Bangladesh National Woman Lawyers Association (BNWLA) found that nearly half of the women in Dhaka's Central Jail were crime victims being held in safe custody, not criminals (see Sections 1.c. and 5). While women may consent initially to this arrangement, it often is difficult for them later to obtain their release, or to gain access to family or lawyers. One 25-year-old woman who was freed during the year through the efforts of a human rights group had agreed to safe custody after being gang raped, then spent almost 4 years in prison while seeking her release. Police officers sometimes rape women in "safe custody" (see Section 1.c.).

A major problem with the court system is the overwhelming backlog of cases, which produces long pretrial delays. According to an official of the Law Ministry, almost 800,000 cases were pending in criminal and civil courts in December. Approximately 44,000 persons, or 73 percent of the country's prison population, were awaiting trial or under trial. Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report some instances of pretrial detention lasting several years. Trials often are characterized by lengthy adjournments, which considerably prolong the incarceration of accused persons who do not receive bail.

The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing its use of the act. According to the Government, 739 persons were under SPA detention as of August. This was somewhat fewer than the 885 persons under detention as of July 1998, and a substantial decrease from the approximately 2,000 persons under SPA detention in mid-1997. According to the Government, authorities detained 2,586 persons under the SPA from the beginning of the year through the end of August—1,642 for terrorism and antisocial activity, 932 for smuggling, and 12 for acts prejudicial to national security. The Government released 2,307 SPA detainees during the same period.

There are credible reports from human rights monitors and political activists that the Awami League Government uses the SPA as a tool to harass and to intimidate political opponents and others. On April 21, authorities arrested Zobaida Rashid, the wife of one of the persons convicted in absentia in November 1998 for the 1975 murder of Sheikh Mujibur Rahman (father of the current Prime Minister), without a warrant. Zobaida Rashid had been arrested in 1996 in the Sheikh Mujib murder case, and there were credible reports of her mistreatment in custody at the time; in June 1997, the High Court ordered charges against her dismissed as groundless. After her April arrest, Rashid was held under the SPA—the Government alleged that Zobaida was plotting to undermine stability in Bangladesh and create a crisis situation through attacks on power and water facilities. Her lawyer argued that she actually was detained because authorities had never accepted the dismissal of charges against her in the Sheikh Mujib trial. Her family alleged that she was mistreated while in prison (see Section 1.c.). She was freed in early June, several days after the High Court ruled her detention illegal. On February 24, police arrested Neaz Ahmed, the brother-in-law of Sajal Chowdhury, an opposition activist killed 2 weeks earlier by gunmen linked to a ruling party M.P. (see Section 1.a.). Ahmed was a key witness in the family's murder complaint. He was charged with offenses ranging from bombing the residence of the Speaker of Parliament to looting, arson, and rioting. After a judge granted him bail, the Government detained him under the SPA. He finally was freed on March 31, after the High Court declared his detention illegal.

Citizens who are not political opponents sometimes also are detained arbitrarily. Housewife Nasima Begum was arrested under the SPA on April 25, allegedly for treason and sabotage; credible reports stated that she was detained as a result of a personal dispute over property. She was released on May 14 after the High Court ruled the charges unfounded (see Section 1.c.). A 10-year-old boy was detained under the SPA on December 22, 1998; police recorded his age as 19 in jail records. The Home Minister ordered the boy released in early January, after press reports and a High Court directive to police to explain the case. On July 24, police forcibly removed 267 sex workers from two Dhaka brothels, and then detained them without charges and without allowing them access to legal counsel for several weeks (see Sections 1.c. and 1.f.). In its April judgment criticizing the police for abuse of detention powers, the High Court commented that the police had become a law breaking agency. Most persons detained under the SPA ultimately are released without charges being brought to trial (see Sections 1.f. and 2.a.).

The Government sometimes uses serial detentions to prevent the release of political activists. Saidur Rahman Newton, vice president of the BNP's student wing, was arrested first on January 6. He was granted bail six times over the next 6 months, but was detained in prison on new charges each time.

Numerous court cases have been filed against opposition M.P.'s and activists, on charges ranging from corruption to murder. In June the Prime Minister told Par-

liament that more than 70 current BNP M.P.'s were under investigation for alleged corruption during the previous government. Obaidur Rahman, a BNP M.P., remained in prison. Rahman and two other political figures were arrested in October 1998 for alleged complicity in the 1975 "jail killings" of four senior Awami League leaders. In July and August the Government suffered reversals when courts invalidated as legally deficient two government efforts at charge sheets (similar to an indictment) in the case. The Government continued to hold eight persons accused of perpetrating these murders; at year's end, legal proceedings remained at a preliminary stage due to legal challenges by defense lawyers.

Some opposition activists were detained or charged in questionable cases. In April authorities charged 22 persons with the August 1998 murder of Jessore magazine editor Saiful Alam Makul (see Section 2.a.). All 22 persons are opposition party members, including a former minister of social welfare and 20 other persons from the BNP. Journalists and others cited numerous weaknesses in the Government's case, leading some observers to allege that the charges were a means to harass the opposition and allow the real murderers to escape.

In July the Government detained two union officials who were organizing a government strike; after a month, the High Court declared the detention to be illegal, and they were released (see 6.a.).

It is difficult to estimate the total number of detentions for political reasons. In some instances criminal charges may apply to the actions of activists, and many criminals claim political affiliations. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, detect, or publicize cases of political harassment. Most such detentions appear to be for short periods, such as several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does 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, some subordinate courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases; however, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

There was tension between the executive and the judiciary during the year. The Government repeatedly charged that the High Court indiscriminately granted bail to criminals, crippling efforts to combat crime. In March the Supreme Court dismissed a contempt of court petition brought by the President of the Supreme Court Bar Association against the Prime Minister for remarks she made at a January press conference. The Prime Minister said that her remarks were mischaracterized, and apologized for any offense. The Supreme Court's judgment observed that the Prime Minister's remarks contained gross factual errors about bail decisions and called into public question the independence of the judiciary. The judgment noted that the courts were at a serious disadvantage in responding to such political attacks. Speaking to Parliament in September, the Home Minister accused High Court judges of "sheltering terrorists" by granting them bail.

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the administrative branch of government, and session and district judges, who belong to the judicial branch. 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.

Trials are public. The law provides 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 are provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel generally is available if individuals can afford the expense. However, sometimes detainees and suspects on police remand are denied access to legal counsel. Trials conducted under the SPA and the Women and Children Repression Prevention Act are similar to normal trials, but are tried without the lengthy adjournments typical in other cases.

Persons may be tried in absentia, although this rarely is done. In November 1998, 15 of the 19 defendants tried for the 1975 killing of then-President Sheikh Mujibur

Rahman (father of current Prime Minister Sheikh Hasina) and several of his family members were convicted and sentenced to death, and 4 persons were acquitted. Fourteen of the defendants were tried in absentia, and 12 of them were convicted. At year's end, all 15 death sentences were awaiting automatic review by the High Court. The High Court is to rule simultaneously on appeals filed by five defendants present in the country. 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 (as was done in the Sheikh Mujibur case), 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 is the overwhelming backlog of cases, and trials under way typically are marked by extended continuances while many accused persons remain in prison (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice. According to one independent sample survey conducted by Transparency International, more than half of the persons involved in court cases paid bribes to court officials. Because of the difficulty accessing the courts and because litigation is time consuming, alternate dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, is popular in rural communities.

The Government states that it holds no political prisoners, but the BNP and human rights monitors claim that many opposition activists have been arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many political prisoners actually are being held (also 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 obtain warrants, and officers violating the procedure are not punished. In addition the SPA permits searches without a warrant.

The Government sometimes forcibly resettles persons against their will. On July 24, police forcibly removed 267 sex workers from a large brothel district in Tanbazar, Narayanganj. Authorities claimed that the women wished to be rehabilitated, but credible eyewitness accounts state that the women refused the offer. The 267 women were confined in a center for vagrants, where some alleged that they were abused. Although most women were released from the vagrant houses by year's end, some continued to be detained at the end of the year (see Sections 1.c.). The July "rehabilitation" drive in Tanbazar also caused several thousand other sex workers to flee the area.

From August 8–11, 1,500 police and paramilitary troops forced more than 50,000 persons from their homes in six Dhaka slum areas. The action followed the August 6 murder of one police officer and wounding of nine others by a criminal gang in one of the slums. On August 7, authorities decided to demolish 74 Dhaka slums on Government-owned land. On August 11, the High Court temporarily barred the Government from continuing with the slum clearance drive after three human rights organizations argued that the Government had not followed the required legal process. On August 24, the High Court reversed its restriction, but urged the Government to adopt a phased approach to slum clearance, with prior assistance for voluntary resettlement. The Government stated that it viewed the order as morally, if not legally, binding, and has not attempted to carry out its earlier plans for large-scale slum clearance in Dhaka. A September 27 government circular asked all nongovernmental organizations (NGO's) to cease operations in slum areas, and to shift their efforts to assisting the Government's resettlement efforts. NGO's did not respond to the request and the Government withdrew the circular.

The Government sometimes punishes family members for the alleged violations of others (see Section 1.c.).

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government, and conduct surveillance of them. Human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations. After a reporter published a story about the alleged suicide of an army general in December, the DGFI subjected him to a 3-hour interrogation.

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 security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense, and with some exceptions, the Gov-

ernment generally respects these rights. Citizens freely express criticism of the Government.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, many newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there is one privately owned wire service affiliated with a major international company. A second such service closed early in the year for financial reasons.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. Government-sponsored advertising is the largest source of revenue for many newspapers. In allocating advertising through the Department of Films and Publications, the Government states that it considers circulation of the newspapers, wage board implementation, objectivity in reporting, coverage of development activities, and "attitude towards the spirit of Bangladesh's War of Liberation." Commercial organizations often are reluctant to advertise in newspapers critical of the Government due to fear of unspecified governmental or bureaucratic retaliation.

Attacks on journalists and newspapers, and efforts to intimidate them by government officials, political party activists, and others, occasionally occur. Such attacks by political activists are common during times of political street violence, and some journalists also are injured in police actions (see Section 1.c.). On February 11, activists from the ruling party ransacked the offices of a newspaper associated with Jamaat-e-Islami. On February 24, the Jamaat-e-Islami's Sangbad newspaper was raided by Awami League activists during a hartal, then subjected to tear gas by police responding to the journalists' distress call. On May 20, activists from the Jamaat student front threw stones and issued threats at the Chittagong office of an independent Bangla daily. On August 30, several gunshots were fired at the offices of a progovernment Bangla daily just after a procession from the BNP passed the building. One employee of the newspaper suffered a gunshot wound. In April authorities charged 22 members of the opposition with the August 1998 murder of magazine editor Saiful Alam Makul, but there is doubt that the persons who were charged are guilty of the crime (see Section 1.d.). When a rickshaw puller had his arm blown off during a February hartal, police officers beat at least four photographers taking pictures of the incident (see Section 1.c.).

Virtually all print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential personalities in both the Government and the opposition. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. For example, when Awami League M.P. Makbul Hossain ordered the murder of a BNP student activist on February 9 during an opposition-called hartal, only one newspaper covered the details of the killing; other newspapers picked up the story only in a very limited fashion, with very few follow-up stories (see Sections 1.a. and 1.c.). A February report that detailed rampant corruption in the December 10, 1998 parliamentary by-election (see Section 3) received extensive coverage only in the handful of opposition-affiliated newspapers. In August the High Court directed four newspapers to show cause why they should not be cited for contempt for publishing allegedly distorted articles in 1998 regarding the granting of bail by the Court.

Journalists and others are potentially subject to incarceration as a result of criminal libel proceedings filed by private parties. 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 filed against a Bangla newspaper in February 1998 remained pending, and those persons accused remained on bail.

Feminist author Taslima Nasreen, whose writings and statements provoked death threats from some Islamic groups in 1993 and 1994, left the country for Europe in 1994. Nasreen returned to Bangladesh in September 1998, and then left the country again in January (see Section 5). The Government provided some protection for Nasreen from possible threats, and she remained in hiding. During her stay, the Government made no move to proceed with charges filed against her in 1994 of intentionally insulting religious beliefs, and a judge ordered anticipatory bail on a similar case filed in 1994 by a private citizen.

The Government owns and controls radio and television stations, which do not provide balanced coverage of the news. The activities of the Prime Minister occupy the bulk of prime time news bulletins on both television and radio, followed by the

activities of members of the Cabinet. Opposition party news gets little coverage. In its 1996 election manifesto, the Awami League called for the privatization of the state-controlled media. A government committee subsequently recommended measures for authorizing private radio and television broadcasts. No move has been made to grant autonomy to the state-owned Bangladesh Radio and Television. However, the Ministry of Information solicited and received bids from parties interested in establishing private television and radio stations. A private radio station began operations in March, and the Government approved a private television station owned by the same person. That television station did not begin broadcasting by year's end. As a condition of operation, both these stations are required to broadcast free some government news bulletins and speeches by the Prime Minister and President.

Foreign publications are subject to review and censorship. Censorship most often is used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. The Government banned the March 20 issue of the West Bengal weekly Desh, which contained a poem by Taslima Nasreen. On August 12, the Government announced that it was banning the import, sale, and distribution of the book "My Childhood" by Nasreen. In both cases, the Government bans cited the likelihood that the material would hurt the feelings and religious sentiments of the Muslim community and inflame passions.

A government Film Censor Board reviews 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. No films were banned or censored during the year. The Government does not limit citizens' access to the Internet.

Academic freedom generally is respected by the Government. Teachers and students at all levels are free to pursue academic assignments except on extremely sensitive religious and political topics.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive a university education and of teachers to teach. Armed clashes between rival student groups resulted in temporary closures of universities or colleges in Chittagong, Rajshahi, Khulna, Sylhet, and Mymemsingh. In August students at Jahangirnagar University near Dhaka protested what they viewed as ineffective responses by the university to deal with campus violence caused by two rival local factions of the ruling party's student wing. Violence between student political factions has little to do with ideological differences, and more to do with extortion rackets run by nonstudent party activists, including those based on physical control of dormitories. As a result of widespread violence and campus closures, it takes on average 6 years or more to earn a 4-year degree. However, several private universities that were established during the 1990's are not affected by student political violence.

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 limits this right on occasion. The Government sometimes prohibits rallies for security reasons, but many independent observers believe that such explanations usually are a pretext. Several rallies of Kader Siddiqi, a dissident ruling party M.P. who later was expelled from the Awami League, were prohibited in July and August for alleged security reasons. In December Kader Siddiqi scheduled a Dhaka rally at which he planned to announce the formation of a new political party. Members of the Awami League student wing broke up the rally with gunfire, homemade bombs, and beatings. Subsequently, the Government refused to allow Siddiqi to hold another rally at a popular Dhaka park, although it routinely authorized other such rallies. When Siddiqi's followers came to the park for the rally, police forcefully removed them (see Section 3). Authorities banned an April 3 BNP rally in Rajshahi after the Awami League also called a rally for the same time and place.

Authorities also permit armed ruling party activists to blockade roads and take other steps to disrupt opposition events. For example, ruling party activists placed barricades on several roads into Dhaka on the morning of September 12, preventing opposition activists from joining a sit-in around the Secretariat.

Ruling party supporters, often with the connivance and support of the police, violently disrupted rallies and demonstrations of the opposition parties. On March 3, Awami League activists attacked a Jatiya Party rally in Rangpur, injuring 50 persons. Police did not intervene to stop the violence, and no one was arrested. On May 11, police forcibly prevented a small group of prohartal processionists, led by BNP M.P.'s, from reaching the BNP Dhaka headquarters. Police fired rubber bullets and tear gas, and at one point nearly removed a female activist's sari (see Section 1.c.).

During a September 13–15 hartal, police broke up a BNP procession near the BNP Dhaka headquarters and briefly detained and beat several party leaders, including four M.P.'s, (see Sections 1.c. and 1.d.). Two days later, 33 BNP M.P.'s were allowed to parade and give speeches, but their supporters were kept away.

Numerous opposition-called hartals took place during the year at the national or local levels. There were 27 days of hartals during the year. The opposition called several hartals in January and February to protest the holding of municipal council elections without taking steps demanded by the opposition (see Section 3). The strikes included ones on January 26, February 9–11, and February 23–25. On July 8, the opposition called a hartal to protest the Government's budget. The opposition called a hartal from September 13–15 to protest the violent end to the opposition's September 12 sit-in at the Secretariat (see Section 1.c.). The opposition also called hartals on November 1, November 7–9, November 16, November 26, December 5–6, December 13, December 13–14, December 15, and December 18, and other days.

Many persons died in violence during the numerous hartals, and hundreds were injured, including opposition activists, police, and many ordinary citizens (see Sections 1.a., 1.c., and 3).

Local ruling party groups sometimes also call local general strikes. An Awami League faction enforced a general strike in Chittagong on July 8 when its leader was arrested. Party activists enforce these strikes through threatened or actual violence toward strikebreakers. Those who are opposed to or neutral toward the strike are coerced into observing prohibitions against vehicular transport and normal operation of businesses. Both opposition and ruling party activists mount processions during general strikes. Police rarely interfere with ruling party processions on such occasions; police and ruling party activists often work in tandem to disrupt and to discourage opposition processions. On May 13, a High Court panel, acting on its own initiative, affirmed that violence and coercion for or against general strikes constituted criminal activities, and directed police to take appropriate action. At the request of the BNP, the Supreme Court stayed this ruling.

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 respects this right. Individuals are free to join private groups, but a local magistrate must approve public meetings.

c. *Freedom of Religion.*—The Constitution establishes Islam as the state religion but also stipulates the right to practice the religion of one's choice, and the Government respects this provision in practice. However, although the Government is secular, religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of the majority of its citizens. Approximately 88 percent of the population are Muslim. Some members of the Hindu, Christian, and Buddhist minorities continue to perceive and experience discrimination toward them from the Muslim majority (see Section 5).

The law permits citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by non-Muslims are aimed at Hindus and tribal groups. The Government allows various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens generally are able to move freely within the country and to travel abroad, to emigrate, and to repatriate; however, there were instances in which the Government restricted these rights. The Government confiscated the passports of two high-profile members of the opposition Jatiya Party, depriving them of the right to travel outside the country. In August immigration officers seized the passport of the party's general secretary, Naziur Rahman Monzur, as he was at the airport preparing to leave the country on a personal trip. In December party chairman and former president, Mohammed Ershad, was at the airport with the Chinese Ambassador awaiting a flight to China on an official visit. Airport officials seized his passport. Ershad appealed to the courts for its return. A hearing was scheduled for January 31, 2000.

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 U.N. High Commission for Refugees (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 grants temporary asylum to individual asylum seekers whom the UNHCR has interviewed and recognized as refugees, on a case-by-case basis. At the request of the UNHCR, the Government has

allowed about 200 asylum seekers, mostly from Somalia and Iran, to remain in Bangladesh for several years until they can arrange their resettlement in another country.

Approximately 300,000 Bihari Muslims live in various camps around the country; they have remained in the country 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 Bangladesh's 1971 war of independence. They later declined to accept Bangladesh citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Approximately 260,000 Rohingya refugees (Muslims from the northern Burmese state of Arakan) crossed into southeastern Bangladesh in late 1991 and 1992, fleeing repression. Since 1992 approximately 238,000 Rohingyas have been repatriated voluntarily to Burma, leaving approximately 22,000 in two camps administered by the Government in cooperation with the UNHCR. After blocking further repatriation since August 1997, Burma allowed repatriation to resume in November 1998, but at such a slow rate that births in the camps outnumbered repatriations. 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 they return to Burma. In July the Burmese Foreign Minister visited Dhaka, but the Government was unable to obtain assurances of concrete Burmese steps to accelerate repatriation. While some reports indicated that refugees had been pressured to volunteer for repatriation, UNHCR officials state that procedures for verifying the voluntariness of repatriation applications were followed rigorously.

Several thousand more Rohingyas arrived during the year, but recent arrivals avoided the camps and attempted to settle in the southeastern areas of the country. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants, turned back as many as possible at the border, and denied UNHCR officials access to those who did enter the country successfully.

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

Bangladesh 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, with 30 additional seats for women, who are chosen by Parliament. 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. Domestic and international observers deemed the last general election, held in June 1996, to be generally free and fair. The high voter turnout of 75 percent set a new record.

In June the Government passed legislation that allowed it to delay by several months elections for the new upazilla (sub-district) level of government, and for mayor and ward commissioners in four major cities. The elections had been required to be held in July and September, respectively. At the end of December, the opposition was agitating against scheduling upazilla elections and municipal elections. The Government had not scheduled upazilla elections, and municipal elections in three of the four cities were tied up in legal challenges. The city elections in Chittagong were scheduled for January 3, 2000, despite opposition party threats of resistance.

Elections often are marred by violence, intimidation of voters, and vote rigging. The Government and activists of major political parties frequently use violence and harassment against political opponents, practices that intensify in the period prior to elections. On February 22, the Fair Election Monitoring Alliance (FEMA), an independent umbrella group of NGO's, published its final report on the December 10, 1998 parliamentary by-election in Pabna. The report documented unchecked harassment of opposition supporters by police and ruling party activists, concerns about the neutrality of election officials, unfair use of government resources to campaign for the ruling party candidate, and lopsided results from several polling stations that presented prima facie evidence of manipulation. The report concluded that the numerous irregularities raised doubt that the victory of the Awami League candidate in the by-election represented the will of the voters (see Section 2.a.).

Citing problems in the Pabna by-election, the opposition alliance presented a four-point ultimatum to the Government on January 6, threatening to boycott upcoming municipal council elections if its demands were not met. The opposition stated that the demands, including resignation of the Chief Election Commissioner, were required to ensure fairness in the elections. The Government did not meet the de-

mands, and the opposition boycotted the February 23–25 elections. The opposition called a 3-day nationwide general strike to coincide with the elections, but did not otherwise obstruct balloting significantly. Some opposition candidates ran despite the boycott and won. Violence during the elections resulted primarily from conflict between supporters of rival ruling party candidates in the elections. The opposition also boycotted and called a local hartal, but did not otherwise obstruct a May 10 parliamentary by-election in Meherpur. The by-election was held to fill the vacancy resulting from the death of the incumbent BNP M.P.

The ruling Awami League expelled its dissident member Kader Siddiqi after his prolonged criticism of the party and its leadership. After his expulsion, Siddiqi resigned his seat in Parliament and immediately began to campaign as an independent candidate to regain his seat in a by-election. The election was marked by massive fraud and vote rigging, calling into serious question the purported victory of the Awami League candidate in preliminary results. However, the Election Commission refused to certify the election results, and at year's end, the election dispute still was unresolved, and the parliamentary seat remained vacant.

Political activists, at the local and national levels, also reportedly engage in extortion from businesses and individuals.

Under constitutional amendments enacted in 1991, the country changed from a presidential system to a parliament-led system. The changes stipulated that an M.P. who resigns from his party or votes against it in Parliament automatically loses his seat. In practice, this provision solidifies the control of Parliament by the Government and the Prime Minister. The lack of democracy within the political parties that have formed governments since 1991 has resulted in a concentration of political power in the office of the Prime Minister. In practice the Prime Minister usually decides on major governmental policies with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body is undermined further by the country's narrow, partisan politics. However, parliamentary standing committees on government ministries, which were formed in 1998, now are headed by M.P.'s rather than the ministers concerned, increasing the committees' effectiveness in overseeing government work.

Women are underrepresented in government and politics. Thirty parliamentary seats are reserved for women chosen by majority vote in Parliament; critics charge that these seats act far less to empower women than to enhance the ruling party's majority. In addition to these seats, women are free to contest any seat in Parliament. Seven women were elected in their own right in the 1996 national elections. Seats are not specifically reserved for other minority groups, such as tribal people. Of the 300 elected M.P.'s, three are Tribal Buddhists from the Chittagong Hill Tracts and five are Hindu. The rest are Bengali Muslims. The Jamaat-I-Islami, the country's largest Islamic political party, had 18 seats in Parliament after the 1991 elections, but only 3 after the 1996 elections.

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

The Government generally permits human rights groups to conduct their activities. A wide variety of groups publish reports, hold press conferences, and issue appeals to the Government with regard to specific cases. While human rights groups often are sharply critical of the Government, irrespective of the ruling party, they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In past years, the Government has consulted with human rights groups on some draft legislation and taken their views into account. However, the Government continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration, a voluntary organization cannot receive funding from abroad. Observers attribute the situation to resentment of criticism of the Government's human rights record by Amnesty International.

The Government is defensive about international criticism regarding human rights issues. However, the Government has been open to dialog with international organizations and foreign diplomatic missions regarding issues such as the detention of opposition leaders and trafficking in women and children. At year's end, legislation to establish a National Human Rights Commission had been submitted to the cabinet for approval.

The Government has put pressure on individual human rights advocates in the past, but there were no reports of such incidents during the year. Such pressure has included long delays in issuing re-entry visas. Missionaries who advocate human rights have faced similar problems.

Human rights organizations also report that the Government has put pressure on them usually in the form of harassment by government intelligence agencies, and

threats from activists of the ruling party. In the past, some NGO's also have faced attacks organized by Muslim religious leaders who contend that their activities are "un-Islamic." The Government sometimes has failed to criticize, investigate, and prosecute perpetrators of these attacks.

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

The Constitution states that "all citizens are equal before the law and are entitled to equal protection by the law." However, in practice the Government does not enforce strongly laws aimed at eliminating discrimination. In this context, women, children, minority groups, and the disabled often confront social and economic disadvantages.

Women.—Violence against women is difficult to quantify because of unreliable statistics, but wife beating appears to be widespread. The Government, the media, and women's rights organizations have fostered a growing awareness of the problem of violence against women.

Much of the violence against women is related to disputes over dowries. According to one human rights group, there were 96 dowry-related killings during the year. Human rights groups and press reports indicate that incidents of vigilantism against women—sometimes led by religious leaders—at times occur, particularly in rural areas. These include humiliating, painful punishments, such as the whipping of women accused of moral offenses. Some women are disfigured by assailants who fling acid in their faces. The most common motivation for acid-throwing attacks against women is revenge by a rejected suitor. There were 130 cases of acid-throwing reported to police in 1998, the last full year for which statistics are available. Few perpetrators of such extrajudicial punishments are prosecuted.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. The Government has enacted laws specifically prohibiting certain forms of discrimination against women, including the Anti-Dowry Prohibition Act of 1980, the Cruelty to Women Law of 1983, and the Women and Children Repression Prevention Act of 1995. However, enforcement of these laws is weak, especially in rural areas, and the Government seldom prosecutes those cases that are filed. There are five government-run and four private shelter homes available for use by women who are victims of violence. These are insufficient to meet victims' shelter needs. As a result, the Government often holds women who file rape complaints in "safe custody," usually in prison. "Safe custody" frequently results in further abuses against victims, discouraging the filing of complaints by other women, and often continues for extended periods, during which the woman is often unable to gain release (see Sections 1.c. and 1.d.).

There is extensive trafficking in women for the purpose of forced prostitution within the country and to other countries in Asia (see Section 6.f.).

For the most part, women remain in a subordinate position in society, and the Government has not acted effectively to protect their basic freedoms. Literacy rates are approximately 26 percent for women, compared with 49 percent for men. In recent years, female school enrollment has improved. Approximately 50 percent of primary and secondary school students are female. Women often are ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities, and strong social stigmas and lack of economic means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGO's operate programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights.

Under the 1961 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 rarely is 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 apply only to registered marriages. Marriages in rural areas often 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 rarely is enforced.

Employment opportunities have been stronger for women than for men in the last decade, which largely is due to the growth of the export garment industry in Dhaka and Chittagong. Eighty percent of the 1.4 million garment sector workers are women. Programs extending credit to large numbers of rural women also have contributed to greater economic power for them. However, women still occupy only a small fraction of other wage-earning jobs, and hold fewer than 5 percent of government jobs. The Government's policy to include more women in government jobs has had limited effect. In recent years, 14.4 percent of all recruits into government service have been women.

The garment and shrimp processing industries are the highest employers of women laborers. Forty-three percent of women work in the agriculture, fisheries, and livestock sectors, but 70 percent of them are unpaid family laborers. Many women also work as manual laborers on construction projects, constituting nearly 24 percent of all manufacturing workers. Women also are found in the electronics, food processing, beverage, and handicraft industries.

Children.—The Government undertakes programs in the areas of primary education, health, and nutrition. Many of these efforts are supplemented by local and foreign NGO's. While much remains to be done, these joint efforts have allowed the country to make significant progress in improving health, nutrition, and education. For example, the Bangladesh Rural Advancement Committee (BRAC), a domestic NGO, provides primary education to more than 1.2 million children. The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but stated that it lacked the resources to implement the law fully. According to Education Ministry figures, approximately 86 percent of children between the ages of 5 and 10 years are enrolled in school, including 84 percent of girls. Attendance rates drop steadily with age, and only about half of all children complete grade 5. To reach the maximum number of children with limited facilities, most schools have two shifts. As a result, most children spend only 3 hours per day in the classroom. The Government provides incentives for rural female children between the ages of 12 and 16 to remain in school. These incentives have been effective in increasing the number of girls in school.

Because of widespread poverty, many children are compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service (children who work in domestic service may work in conditions that resemble servitude) (see Section 6.c.) and prostitution; this labor-related child abuse occurs commonly at all levels of society and throughout the country (see Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking for labor bondage and prostitution continue to be serious and widespread problems. There is extensive trafficking of children, primarily to India, Pakistan, and destinations within the country largely for the purposes of forced prostitution (see Section 6.f.). The U.N. Children's Fund (UNICEF) has estimated that there are about 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 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 are prosecuted, and large numbers of child prostitutes work in brothels. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution.

People with Disabilities.—The law provides for equal treatment and freedom from discrimination for the disabled; however, in practice, the disabled face social and economic discrimination. The Government has not enacted specific legislation or otherwise mandated accessibility for the disabled. Facilities for treating the mentally ill or the retarded are inadequate. Unless a family has money to pay for private service, a mentally ill person can find little treatment in the country.

Indigenous People.—Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord has been in effect for 2 years, and has ended 25 years of insurgency in the CHT. The situation in the CHT was peaceful at year's end. Former insurgent leader Shantu Larma accepted a position as Regional Council Chairman in May, allowing formation of the long-stalled body to go forward. However, there is still confusion regarding the overlapping responsibilities of government bodies with responsibilities in the Hill Tracts. The Land Commission that is to deal with land disputes between tribals and Bengali settlers was established during the year, but had not begun operating. Tribal leaders also have expressed disappointment at the lack of progress in providing assistance to tribals that left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to Bengali 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. Bengali inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's population of 1 million in 1997. In response to the Government's action, the Shanti-Bahini, a tribal group, had waged a low-level conflict in the CHT from the early 1970's until the signing of the peace agreement with the Government in December 1997. During the periods of violence, all those involved—indigenous tribes, settlers, and security forces—accused each other of human rights violations. The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal rep-

resentatives, including the chairperson; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families.

Tribal people in other areas also have reported problems of loss of land to Bengali Muslims through questionable legal practices and other means. The Garos, of the Modhupur forest region in north central Bangladesh, continue to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment by surrounding Bengali communities. The pressure on the Garo community has resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of an already small community estimated at only 16,000 persons. The Government had indicated in 1995 that it would establish a national park of 400 acres in the Mymensingh district. Part of the land would be taken from the Garo tribals. Action still is pending on that proposal. The Government has not ruled out moving the tribals from the land.

Religious Minorities.—Hindus, Christians, and Buddhists constitute about 12 percent of the population.

Islamic extremists occasionally have attacked women, religious minorities, and development workers. The Government sometimes has failed to criticize, investigate, and prosecute perpetrators of these attacks. The Ahmadiyas, whom many mainstream Muslims consider heretical, have been the target of some attacks and harassment. In January several hundred persons attacked the Ahmadiya place of worship in Koldiar village in Kushtia. Devotees were beaten, and the place of worship was ransacked. Following the attack, Ahmadiyas were harassed on the streets and prevented from praying at their place of worship. Ahmadiyas alleged that the local police did not intervene to stop these abuses. According to press reports, the assistant police inspector in the area was fired and the officer in charge of the police station was withdrawn for failure to discharge their duties during the incident. At year's end, Ahmadiyas reported that their mosque was still under the control of local police and that they have not been allowed to return. On October 8, a bomb exploded during Friday prayers at an Ahmadiya mosque in Khulna. Six persons were killed and over 40 others were injured (see Sections 1.a. and 1.c.). At approximately the same time, unexploded bombs were found at a Sunni mosque in Dhaka. On October 10, two explosive devices were located at the Ahmadiya Central Mosque in Dhaka. Although police conducted an investigation, no suspects were arrested or detained. Seven persons were injured on November 12 when a mob ransacked an Ahmadiya mosque near Natore in western Bangladesh. According to press reports, the attack was provoked by Muslims from Dhaka.

Religious minorities are in practice disadvantaged in such areas as access to government jobs and political office. Selection boards in the government services often lack minority group representation.

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 independence in 1971, when many Hindus lost land holdings because of anti-Hindu discrimination in the application of the law. Prior to its 1996 election victory, the Awami League promised to repeal the Vested Property Act, the law used to deprive Hindus of their property. However, the Government so far has taken no action. There have been in past years cases of violence directed against religious minority communities that also have resulted in the loss of property. The last such major incidents occurred in 1992, although there also were some minor incidents of this type during the period surrounding the 1996 elections. Such intercommunal violence reportedly has caused some members of religious minorities to depart the country. According to press reports, in January Muslim youths smashed a mud-and-straw image of a Hindu goddess as Hindus were celebrating the festival of Saraswati, causing several hundred Hindus to flee.

Feminist author Taslima Nasreen left the country in January due to concerns about her personal security (see Section 2.a.). Some Islamic groups issued statements protesting her departure after she was allowed to leave.

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. Approximately 1.8 million of the country's 5 million workers in the formal sector belong to unions (the total work force is approximately 58 million). There is a large unreported informal sector, for which no reliable labor statistics exist.

For a union to obtain and maintain its registration, 30 percent workplace participation is required. Moreover, would-be unionists technically are 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 restricts workers' freedom to organize, and the International Labor Organization (ILO) has requested the Government to amend the 30 percent provision due to the same grounds. The ILO also has requested the Government to amend legislative provisions that bar registration of a union that is composed of workers from different workplaces owned by different employers. About 15 percent of the approximately 5,450 labor unions are affiliated with 23 officially registered National Trade Union (NTU) centers. There also are several unregistered NTU's.

With the exception of workers in the railway, postal, telegraph, and telephone departments, civil servants, police, and military personnel are forbidden to join unions. Many civil servants who are forbidden to join unions, such as teachers and nurses, have formed associations that perform functions similar to labor unions, that is, providing for members' welfare, offering legal services, and airing grievances. However, collective bargaining is prohibited. Some workers have formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries. The Government banned trade union activity in the Bangladesh Bank, the country's central bank, in early 1998. The ban followed an incident in which some labor unionists affiliated with the ruling party's trade union assaulted a senior bank official, after which there were clashes between members of rival unions. In July and August, low paid government employees staged protests inside the Secretariat, the office complex in central Dhaka housing most ministries. The employees' demands included a significant pay increase and changes in working hours. When police suppressed the protests, there were violent clashes, and workers ransacked some offices, including that of the Labor Minister. Police arrested two officials of the protesting union for alleged criminal offenses, then detained them under the SPA. After more than 1 month, the High Court declared the detention illegal and ordered the two men to be released (see Section 1.d.). 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 were on unjustified grounds.

There are no legal restrictions on political activities by labor unions, although the calling of nationwide general strikes (hartals) or transportation blockades by unions is considered a criminal rather than a political act and thus forbidden.

While unions are not part of the government structure, they are highly politicized, and are strongest in state-owned enterprises. Virtually all the NTU centers are affiliated with political parties, including one with the ruling Awami League. Some unions are militant and engage in intimidation and vandalism. Illegal blockades of public transportation routes by strikers frequently occurred during the year. Pitched battles between members of rival labor unions occur regularly. Fighting often is over the control of rackets or extortion payoffs and typically involves knives, guns, and homemade bombs.

Workers are 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 been taken during the year.

The right to strike is not recognized specifically in the law, but strikes are a common form of protest. General strikes are standard tools of political opposition groups and are used to pressure the Government to meet political demands (see Section 2.b.). There were no labor-related nationwide strikes during the year. Workers at Chittagong port, the country's major harbor, conducted several industrial actions to protest a proposed privately run port facility, and went on strike for more than a week in September over a pay dispute. Some employees organized in professional associations or unregistered unions also went on strike during the year. University teachers went on strike for short periods over pay and benefits, as well as the continuing problem of campus violence. Wildcat strikes are illegal but occur frequently, with varying government responses. Wildcat strikes in the transportation sector are particularly common.

The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector that it declares essential. This ban, which generally is obeyed, in the past has been applied to national airline pilots, water supply workers, shipping employees, and electricity supply workers. 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 of 1969. Workers have the right to strike in the event of a failure to settle. If a strike lasts 30 days or longer, the Government may prohibit the strike and refer the dispute to the Labor Court for adjudication. This has not happened since 1993. 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 if it is considered prejudicial to the national interest or if it involves a public utility service.

There are provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions is uneven. In past illegal work actions, such as transportation blockades, police have arrested union members under the SPA or regular criminal codes.

There are no restrictions on affiliation with international labor organizations, and unions and federations maintain 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.

b. *The Right to Organize and Bargain Collectively.*—Collective bargaining is legal only for private sector workers, on the condition that they are represented by unions legally registered as collective bargaining agents by the Registrar of Trade Unions. Collective bargaining occurs 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 does not occur. The International Confederation of Free Trade Unions (ICFTU) has criticized the country for what it views as legal impediments which hamper such bargaining.

Public sector workers' pay levels and other benefits are set by the National Pay and Wages Commission, whose recommendations are binding and may not be disputed except on the issue of implementation.

The Registrar of Trade Unions has wide powers to interfere in internal union affairs. He has the authority to enter union premises and inspect documents; however, there were no reports during the year that the Registrar of Trade Unions had abused these powers.

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 discourage 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 has ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness is hampered by a serious case backlog, and there also have been allegations that some of its deliberations have been corrupted by employers.

The country's two export processing zones (EPZ's) are exempted from the application of the Employment of Labor (Standing Orders) Act of 1965, the Industrial Relations Ordinance of 1969, and the Factories Act of 1965. Among other things, these laws establish the freedom of association and the right to bargain collectively, and set forth occupational safety and health standards. While substitutes for some of the provisions of these laws have been implemented through EPZ regulations, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZ's have skirted prohibitions on forming unions by setting up associations. The Government has not implemented its 1992 commitment to end restrictions on freedom of association and formation of unions by 1997, and to apply all sections to labor law in the EPZ's by 2000. No collective bargaining takes place in the EPZ's. Approximately 84,000 persons are employed in EPZ's, primarily in the textile and apparel, electronics component, and leather industries.

An NGO study released in December reported the following practices, among others, in the Chittagong and Savar EPZ's: Sexual harassment and abuse, physical abuse, unpaid overtime work, child labor, noncompliance with minimum wage regulations, lack of information available to workers about their legal rights, and substandard safety conditions. However, serious questions were raised about the methodology of the study and of the reliability of its findings.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act, both passed in 1965, established inspection mechanisms to enforce laws against forced labor; however, these laws are not rigorously enforced, partly because resources for enforcement are scarce. There is no large-scale bonded or forced labor; however, numerous domestic servants, including many children, work in conditions that resemble servitude and many suffer physical abuse, sometimes resulting in death. In at least some cases, the Government does bring criminal charges against employers who abuse domestic servants. There is extensive trafficking in both women and children, mainly for purposes of forced prostitution, although in some instances for labor servitude outside of the country (see Section 6.f.).

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 is a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act of 1965 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 of 1965 prohibits the employment of children younger than the age of 12 in commercial workplaces. The Employment of Children Act of 1938 prohibits the employment of children under the age of 15 in the railways or in goods' handling within ports.

Coverage and enforcement of these rules is inadequate. Because of widespread poverty, many children begin to work at a very young age. According to a 1996 labor force survey by the Government, the country has 6.3 million working children between the ages of 5 and 14 years who work for compensation and are not enrolled in school. Also, children often work alongside other family members in small-scale and subsistence agriculture. UNICEF and ILO surveys indicate that, of children 6 to 17 years of age, 21 percent of boys and 4 percent of girls work in paid employment. Hours usually are long and the pay low, and the conditions sometimes are hazardous. Children drive rickshaws, break bricks at construction sites, carry fruit, vegetables, and dry goods for shoppers at markets, work at tea stalls, and work as beachcombers in the shrimp industry. Many children work in the beedi (hand-rolled cigarette) industry, and children under 18 years sometimes work in hazardous circumstances in the leather industry. Children routinely perform domestic work. Cases of children being abused physically and occasionally killed by the head of the household where they work are reported in the press. In at least some cases, the Government does bring criminal charges against employers who abuse domestic servants. Some children are trafficked domestically or overseas, often for prostitution, and child prostitution is a serious problem (see Sections 5 and 6.f.). Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, the Government continues to maintain that it does not yet have the resources to implement this law effectively.

Protracted negotiations led to the July 1995 signing of a Memorandum of Understanding (MOU) between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, and the ILO to eliminate child labor in the garment sector. Under the MOU, the garment sector was to become child labor free by October 31, 1996, with former child laborers enrolled in UNICEF-sponsored schools and follow-up inspections of factories by ILO-managed inspection teams. Under the program, former child-employees receive a small monthly stipend while attending school to help replace their lost income. Violations of the ban on child labor in the garment export sector rose slightly from low levels as the year progressed, to about 5 percent of factories inspected. According to ILO inspectors, most factories where violations were committed had one or two child laborers, and only about 1 percent of the factories had more than this amount. However, a BGMEA arbitration committee, which is tasked with imposing fines on violating factories, functions slowly. The number of children working in nonexport, or nonfactory garment production, is unknown.

The Government did not grant the Ministry of Labor additional resources to enforce its commitment as a member of the South Asian Association for Regional Cooperation to eliminate hazardous child labor by 2000, and to eliminate all child labor by 2010; the existing small corps of labor inspectors continues to be ineffective against all labor problems because of inefficiency and corruption.

UNICEF is implementing a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas. ILO/IPEC has approximately 24 ongoing programs, the largest involving 3,000 children in hazardous conditions, designed to ensure that children receive an education, rather than removing children from work.

The Constitution prohibits forced or compulsory labor, including that performed by children; however, the Government does not enforce this prohibition effectively, and some children work as domestic servants in conditions that resemble labor servitude or are trafficked for the purpose of forced prostitution (see Section 6.c.).

e. *Acceptable Conditions of Work.*—There is no national minimum wage. Instead, the Wage Commission, which convenes every several years, sets wages and benefits industry by industry. In most cases, private sector employers ignore this wage structure. For example, in the garment industry, legal minimum wages are not paid by many factories, and it is common for workers of smaller factories to experience delays in receiving their pay, or to receive "trainee" wages well past the maximum 3 months. The average monthly wage of $1.50 to $2.50 per day (taka 76 to taka

130) is sufficient to provide an individual with a minimal standard of living, but is 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, is allowed. The law is enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act of 1965 nominally sets occupational health and safety standards. The law is comprehensive but largely is ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories are located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In addition, numerous factories have insufficient toilet facilities (for example, 1 toilet for 300 employees). Workers may resort to legal action for enforcement of the law's provisions, but few cases actually are prosecuted. Enforcement by the Labor Ministry's industrial inspectors is weak, due both to the low number of labor inspectors (100 for 300,000 covered establishments), 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 risk losing their jobs.

f. *Trafficking in Persons.*—There is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for purposes of forced prostitution, although in some instances for labor servitude. Some children also are trafficked to the Middle East to work as camel jockeys.

The number of women and children trafficked is unknown; human rights monitors estimate that several thousand women and children are victims of trafficking each year. Most trafficked persons are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside of the country. Seeing no alternative for breaking the cycle of poverty, parents often willingly send their children away. Unwed mothers, orphans, and others outside of the normal family support system also are susceptible. Traffickers living abroad often arrive in a village and "marry" a woman, only to dispose of her upon arrival in the destination country, where women are sold by their new "friends," or "usbands" into bonded labor, menial jobs, or prostitution. Much of the trafficking and smuggling of persons is conducted by criminal gangs. The border between Bangladesh and India is porous, especially around Jessore and Benapole, making illegal border crossings easy.

The law provides severe penalties for trafficking, but few perpetrators are punished. Human rights monitors also credibly report that police and local government officials often either ignore trafficking in women and children for prostitution, easily are bribed to look the other way, or even are involved in the operation (see Section 1.c.). According to one anti-trafficking organization, 63 persons were arrested during the year for trafficking. While most of those arrested were not prosecuted by year's end, 13 persons arrested previously were convicted for trafficking offenses and sentenced to life imprisonment. Exact numbers of those arrested are difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents.

UNICEF has estimated that there are about 10,000 child prostitutes in Bangladesh; other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age 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 are prosecuted, and large numbers of child prostitutes work in brothels. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution.

The Government has expressed concern about the problem and has worked with NGO's and international organizations against trafficking, conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. Some NGO's and international organizations have been active in addressing the problem. For example, 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 Bangladesh National Women Lawyer's Association (BNWLA) conducts awareness programs, aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provides legal assistance to trafficking victims, and initiates legal action against traffickers. The BNWLA runs a shelter home for trafficked women and children that provides health care, counseling, and training. The Center for Women and Children (CWCS) has networks to monitor trafficking across the country, conducts awareness meetings, and has a pilot project to make police aware of the rights of women and children. Awareness of trafficking is increasing, and it receives frequent press coverage. Two umbrella organizations of anti-trafficking

NGO's exist, and are seeking to improve coordination and planning of efforts against the problem.

BHUTAN

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly and a Council of Ministers; there is no written constitution to protect fundamental political and human rights. Since ascending to the throne in 1972, the King has continued efforts toward social and political modernization begun by his father. In the last few years, Bhutan has rapidly improved services in education, health care, sanitation, and communications, with parallel but slower developments of the role of representatives in governance and decision making. In recent years, Bhutan has adopted some measures to transfer power from the King to the National Assembly. The judiciary is not independent of the King.

Approximately two-thirds of the government-declared population of 600,000 is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consists 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 third of the population, ethnic Nepalis, most of whom are Hindus, live in the country's southern districts. Bhutanese dissident groups claim that the actual population is between 650,000 and 700,000 and that the Government underreports the number of ethnic Nepalese in the country. The rapid growth of this ethnic Nepalese segment of the population led some in the Buddhist majority to fear for the survival of their culture. Government efforts to tighten citizenship requirements and to control illegal immigration resulted in political protests and led to ethnic conflict and repression of ethnic Nepalese in southern districts during the late 1980's and early 1990's. Tens of thousands of ethnic Nepalese left the country in 1991–92, many forcibly expelled. Approximately 97,000 ethnic Nepalese remain in refugee camps in Nepal and upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintains that some of those in the camps were never citizens, and therefore have no right to return. In 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts vacated by the ethnic Nepalese now living in refugee camps in Nepal. A National Assembly resolution adopted in 1997 prohibits still-resident immediate family members of ethnic Nepalese refugees from holding jobs with the Government or the armed forces. In early 1998, the Government implemented the resolution, and had dismissed 429 civil servants by November 1998, when implementation of the resolution was discontinued.

The Royal Bhutan Police, 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 against ethnic Nepalese.

The economy is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for about half of the gross domestic product. Agriculture consists largely of subsistence farming and animal husbandry. Cardamon, citrus fruit, and 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. Hydroelectric power production potential and tourism are key resources, although the Government limits foreign tourist arrivals for reasons of lack of adequate tourist infrastructure and environmental concerns. Tourist arrivals are limited by means of pricing policies. Bhutan is a poor country. The gross national product (GNP) per capita is estimated to be $470.

The Government significantly restricts the rights of the Kingdom's citizens, and problems remain in several areas. The King exercises strong, active, and direct power over the Government. Citizens do not yet have the right to change their government. The Government discourages political parties, and none operate legally. There were reports that security forces beat ethnic Nepalese refugees who entered the country to demonstrate. Arbitrary arrest and detention remain problems. Judges serve at the King's pleasure, and the Government limits significantly the right to a fair trial. Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17th century and revised and modernized in 1958 and 1965. In late 1998, the Government formed a special committee of jurists and government officials to review the country's basic law and propose changes. Programs to build a body of written law and to train lawyers are progressing. For example, the Government sends many lawyers to India and other countries for legal training.

The Government limits significantly citizens' right to privacy. The Government restricts freedom of speech, the press, assembly, and association. The Government launched the country's first indigenous television service in June, modifying a ban on private television reception that had been in place since 1989. Citizens face significant limitations on freedom of religion. In July 1998, the Government initiated steps to renew negotiations with the Government of Nepal on procedures for the screening and repatriation of ethnic Nepalese in the refugee camps, and the two governments held a series of meetings during the second half of that year. After a 3-year hiatus, ministerial-level bilateral talks resumed in September. The Government restricts worker rights.

The Government claims that it has prosecuted government personnel for unspecified abuses committed in the early 1990's; however, public indications are that it has done little to investigate and prosecute security force officials responsible for 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. *Political and Other Extrajudicial Killing.*—There were no confirmed reports of political or other extrajudicial killings during the year; however, there were press reports that a prisoner detained since 1997 died after he was tortured (see Section 1.c.). Human rights groups allege that Gomchen Karma, a Buddhist monk arrested in October 1997 during a peaceful demonstration in the eastern part of the country, was shot and killed by a government official. The Government stated that the shooting was accidental, that the official responsible has been suspended from duty and charged in connection with the incident, and that his case was being heard as of the end of 1998.

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 abuse; however, human rights advocates state that in practice security forces ignore these provisions. There were reports that numerous ethnic Nepalese refugees attempting to return to the country were captured by security forces, beaten, and sent back across the border. Persons holding peaceful marches from India to Bhutan report that during the year, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). Instances of torture of ethnic Nepalese who attempted to return to the country occurred in 1996. Refugee newspapers published in Nepal allege that Nima Gyaltsen, a prisoner detained since 1997 without charge or trial in Zilnon Namgyeling jail in Thimphu, died after being subjected to torture during his incarceration. Amnesty International reported that 19-year-old Needup Phuntso was expelled from school in March 1998 and was tortured by members of the Royal Bhutanese police after his arrest in Thimphu in July 1998.

Refugee groups credibly claim that persons detained as suspected dissidents in the early 1990's were tortured by security forces, who also committed acts of rape. 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 denies these abuses but also claims it has investigated and prosecuted three government officials for unspecified abuses of authority during that period. Details of these cases have not been made public, and there is little indication that the Government has adequately investigated or punished any security force officials involved in the widespread abuses of 1989–92. Human rights groups allege that a Buddhist monk arrested in October 1997, Thinley Oezor Kenpo, was tortured in custody in 1997. According to Amnesty International, Kenpo was one of 120 persons arrested for political reasons since 1997 who by December 1998 had been sentenced to up to 15 years in prison.

Prison conditions are reportedly adequate, if austere. In 1993 the International Committee of the Red Cross (ICRC) began a program of visits to prisons in the capital, Thimphu. In 1994 a new prison in Chemgang was opened. Together, these events contributed to a substantial improvement in conditions of detention over those that existed until a few years ago. Bhutanese human rights groups active outside the country maintain that prison conditions outside of Thimphu remain oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in September 1998, extending the ICRC prison visits program for another 5 years. During the same month, an ICRC team visited 54 inmates in Chemgang central jail and 127 inmates in Thimphu district jail. The ICRC conducted two prison visits during the year, as it has done for each of the past six years.

d. A*rbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remain problems. Under the Police Act of 1979, police may not arrest a person without a warrant and must produce an arrested person before a court within 24 hours of arrest, exclusive of travel time from place of arrest. Legal protections are incomplete, however, due to the lack of a fully elaborated criminal procedure code and to deficiencies in police training and practice. Incommunicado detention is known to occur. Incommunicado detention of suspected militants was a serious problem in 1991 and 1992, 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, 1,685 were ultimately amnestied, 58 are serving sentences after conviction by the High Court, 9 were acquitted by the High Court, and 71 were released after serving prison sentences.

Four persons were arrested in February 1997 in Trashi and charged with involvement in seditious activities. They were convicted by the High Court and are currently serving prison sentences. Human rights groups allege that in July and August 1997, the Royal Bhutan Police (RBP) in and around Samdrup Jongkar town in the east arrested some 50 suspected supporters of a Bhutanese dissident group active outside the country. The Government states that only 16 persons were arrested during this period and that they have been charged with involvement in seditious activities and are awaiting trial. Many were said to be supporters of one-time Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD) leader Rongthong KunleyDorji, who was arrested in India in April 1997, following the issuance of an extradition request by Bhutanese authorities. Dorji faces extradition proceedings in India and possible return to Bhutan to face charges of fraud, nonpayment of loans, and incitement to violence. The original Bhutanese extradition request included a third charge, "anti-national activities," but this was later dropped when it became clear that Indian law would preclude his extradition to face political charges. Human rights groups contend that the charges brought against Dorji are politically motivated and constitute an attempt by the government to suppress his prodemocracy activities. In June 1998 an Indian court granted Dorji bail, but placed restrictions on his movements. Dorji's extradition case still is pending in the Indian courts. According to an Amnesty International report released during the year, 30 persons were detained in 1998, most of them on suspicion of being members or supporters of the DNC.

Amnesty International (AI) has reported that some of those arrested are feared to be at risk of torture. Bhutanese human rights groups outside the country claim that the arrests, including those of several Buddhist monks, are aimed at imposing Ngalong norms on the eastern, Sharchop community, which has a distinct ethnic and religious identity. The Government denies that it has such a policy; many government officials, including both the former Head of Government, Foreign Minister Jigme Thinley, and the Chief Justice of the High Court Sonam Tobgye, are Sharchops.

Persons holding peaceful marches from India to Bhutan charge that during the year, the police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (see Section 5). By one estimate, approximately 100 marchers were arrested and deported during the year. 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. It stated that a total of 134 persons were arrested in connection with the October 1997 disturbances in the east; of that number, more than one-half either had been tried and acquitted or had been released after serving short sentences.

Although the Government does not formally use exile as a form of punishment, many accused political dissidents freed under Government amnesties say that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denies this.

e. *Denial of Fair Public Trial.*—There is no written constitution, and the judiciary is not independent of the King.

The judicial system consists of district courts and a High Court in Thimphu. Judges are appointed by the King on the recommendation of the Chief Justice and may be removed by him. Village headmen adjudicate minor offenses and administrative matters.

Criminal cases and a variety of civil matters are adjudicated under a legal code established in the 17th century and revised in 1958 and 1965. For offenses against the State, state-appointed prosecutors file charges and prosecute cases. In other cases, the relevant organizations and departments of government file charges and conduct the prosecution. Defendants are supposed to be presented with written charges in languages that they understand and given time to prepare their own de-

fense. However, this practice is not always followed, according to some political dissidents. In cases where defendants cannot write their own defense, courts assign judicial officers to assist defendants. There were reports that defendants receive legal representation at trial, and that they may choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it is not known how many defendants actually receive such assistance. A legal education program is gradually building a body of persons who have received formal training in the law abroad. Village headmen, who have the power to arbitrate disputes, make up the bottom rung of the judicial system. Magistrates can review their decisions, each with responsibility for a block of villages. Magistrates' decisions can be appealed to district judges, of which there is one for each of the country's 20 districts. The High Court in Thimphu is the country's supreme court. Its decisions can be appealed to the King.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegates the decision to the Royal Advisory Council. Trials are to be conducted in open hearings; however, there are allegations that this is not always the case in practice.

Questions of family law, such as marriage, divorce, and adoption, are traditionally resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese; however, the Government states that there is one formal law that governs these matters.

Some or all of the approximately 75 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991-92, may be political prisoners.

On December 17, the King pardoned 200 prisoners to mark National Day; all reportedly were released. Among them were 40 persons convicted of "anti-national" offenses, including prominent ethnic Nepalese dissident and internationally recognized political prisoner Tek Nath Rizal. Tek Nath Rizal was arrested in 1988 in Nepal and extradited to Bhutan, where he was held in solitary confinement in Wangdiphodrang military prison until his 1992 conviction for "anti-national" crimes, including writing and distributing political pamphlets and attending political meetings. He was convicted under the 1993 National Security Act, although at the time of his conviction it had not yet been passed. However, a United Nations Human Rights Commission Working Group on Arbitrary Detention that visited the country in 1994 at the Government's invitation determined that Rizal had received a fair trial and declared his detention "not to be arbitrary."

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—There are no laws providing for these rights. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority when visiting Buddhist religious buildings, monasteries, or government offices, and in schools and when attending official functions and public ceremonies. According to human rights groups police regularly conduct house-to-house searches for suspected dissidents without explanation or legal justification.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Government restricts freedom of speech and of the press. The country's only regular publication is Kuensel, a government-run weekly newspaper with a circulation of 10,000. Bhutanese human rights groups state that government ministries regularly review editorial material and have the power to, and regularly do, suppress or change content. They allege that the board of directors nominally responsible for editorial policy is appointed by and can be removed by the Government. Kuensel, which publishes simultaneous editions in the English, Dzongkha, and Nepali languages, supports the Government but does occasionally report criticism of the King and Government policies in the National Assembly. Nepalese, Indian, and other foreign newspapers are available.

In 1989 the Government banned all private television reception and ordered that television antennas and satellite dishes be dismantled. Many homes in Paro and Thimphu nonetheless have satellite dishes and receive signals from international broadcasters. In June the Government introduced locally produced television service with the inauguration of the Bhutan Broadcasting Service. The service broadcasts 4 hours of programming daily: 2 hours of locally-produced programming in Dzongkha, and 2 hours of English-language programming produced outside of the country (such as from the British Broadcasting Corporation (BBC) and the Cable News Network (CNN). Late in the year, the Government began licensing cable operators to provide service in Thimphu and Paro. The Government radio station broadcasts each day in the four major languages (Dzongkha, Nepali, English, and Sharchop). The Government inaugurated the country's first Internet service provider, Druknet, in June.

English is the medium of instruction in schools and the national language, Dzongkha, is taught as second language. The teaching of Nepali as a second language was discontinued in 1990.

b. *Freedom of Peaceful Assembly and Association.*—The Government restricts freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. Although the Government allows civic and business organizations, there are no legally recognized political parties. The Government regards parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP) and the Bhutan National Democratic Party (BNDP)—as well as the Druk National Congress (DNC)—as "terrorist and anti-national" organizations and has declared them illegal. These parties do not conduct activities inside the country. They seek the repatriation of refugees and democratic reform.

c. *Freedom of Religion.*—The Government imposes limits on freedom of religion. The Drukpa branch of the Kagyupa School of Mahayana Buddhism is the state religion. About two-thirds of the population practice either Drukpa Kagyupa or Ningmapa Buddhism. The Drukpa branch is practiced predominantly in the western and central parts of the country, which are 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 is practiced predominantly in the eastern part of the country, although there are adherents in other areas, including the royal family. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidizes monasteries and shrines of the Drukpa sect and provides aid to about one-third of the Kingdom's 12,000 monks. The Government also provides financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. In the early 1990's, the Government provided funds for the construction of new Hindu temples and centers of Sanskrit and Hindu learning and for the renovation of existing temples and places of Hindu learning. The Drukpa branch enjoys statutory representation in the National Assembly and in the Royal Advisory Council and is an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Under the law, conversions are illegal.

The King has 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 are active in education and humanitarian activities. According to dissidents living outside of the country, the Government restricts the import into the country of printed religious matter; only Buddhist religious texts are allowed to enter.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens traveling in border regions are required to show their citizenship identity cards at immigration check points, which in some cases are located at a considerable distance from what is in effect an open border with India. By treaty, citizens may reside and work in India.

Bhutan is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (See Section 5 regarding the ethnic Nepalese refugee situation).

The Government states that it recognizes the right to asylum in accordance with international refugee law; however, it has no official policy regarding refugees, asylum, first asylum, or the return of refugees to countries in which they fear persecution.

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

Citizens do not yet have the right to change their government. Bhutan is a monarchy with sovereign power vested in the King. In June 1998, the King 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. There are elected or partially elected assemblies at the local, district, and national levels, and the Government claims to encourage decentralization and citizen participation. Since 1969, the National Assembly has had the power to remove ministers, who are appointed by the King, but it has never done so. Political authority resides ultimately in the King and decisionmaking involves only a small number of officials. Major decisions are routinely made by officials subject to questioning by the National Assembly, 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, and their formation is discouraged by the Government as unnecessarily divisive. The Government prohibits parties established abroad by ethnic Nepalese (see Section 2.b.).

The National Assembly, established in 1953, has 150 members. Of these, 105 are elected by citizens, 10 are selected by a part of the Buddhist clergy, and the remaining 35 are appointed by the King to represent the Government.

The procedures for the nomination and election of National Assembly members are set out in an amendment to the country's Basic Law proposed by the King and adopted by the 73rd session of the National Assembly in 1995. It provides that in order to be eligible for nomination as a candidate for election to the National Assembly, a person must be a citizen of Bhutan, 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 people, 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, having different dialects in the eastern and western areas of the country, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village is permitted to nominate one candidate but must do so by consensus. There is 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 is conducted by the district development committee, and the candidate obtaining a simple majority of votes cast is declared the winner. Individuals do not have the right to vote. Every family in a village is entitled to one vote in elections. The law does not make clear how a candidate is selected if none achieves a simple majority. It does state, however, that in case of a tie among the candidates in the election, drawing of lots shall be resorted to. The candidate whose name is 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 is when they are asked for their 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 takes place at a public gathering. There is no secret ballot, according to human rights activists.

The Assembly enacts laws, approves senior Government appointments, and advises the King on matters of national importance. Voting is 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 rejects the King's recommendations or delays implementing them, but in general, the King has enough influence to persuade the Assembly to approve legislation that he considers essential or to withdraw proposals he opposes. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence. The National Assembly has never compelled any government official to resign. The Royal Civil Service Commission is responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes including embezzlement.

In June 1998, the King issued a decree setting out several measures intended to increase the role of the National Assembly in the formation and dissolution of his Government. The decree, later adopted by the 76th session of the National Assembly, provided that all cabinet ministers are 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 is to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King is to select nominees for Cabinet office from among senior government officials holding the rank of secretary or above. The King is to award the portfolios of his ministers, whose terms will be 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 in the line of succession. After adopting the decree, the National Assembly elected a new Cabinet of Ministers consistent with the decree. Human rights groups maintain that since only the King may nominate candidates for cabinet office, their election by the National Assembly is not a significant democratic reform. The The King also removed himself as Chairman of the Cabinet of Ministers in 1998; Foreign Minister Jigme Thinley was elected to that position by the National Assembly for one year, and was replaced by Minister for Health and Education Sangay Ngedup in July.

Women are underrepresented in government and politics, although they have made small but visible gains. Three women hold seats in the National Assembly.

All major ethnic groups, including ethnic Nepalese, are represented in the National Assembly. There are 16 "southern Bhutanese" in the National Assembly.

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

There are no legal human rights nongovernmental organizations (NGO's) in the country. The Government regards 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 does not permit them to operate in the country. Amnesty International (AI) visited Bhutan in 1992 to investigate and to report on the alleged abuse of ethnic Nepalese. In late November 1998, AI again sent a delegation to the country; by year's end, it had not published a report on the visit.

ICRC representatives continue twice yearly prison visits, and the Government has allowed them access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the United Nations Human Rights Commission Working Group on Arbitrary Detention made a second visit to the country in May 1996 as a follow-up to an October 1994 visit. In addition to meetings with government officials, members of the working group visited prisons and interviewed prisoners in Thimphu, Phuntsoling, and Samtse.

Section 5. Discrimination Based on Race, Sex, Religion, 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 constrain cultural expression by other ethnic groups. In the 1980's and early 1990's, concern over rapid population growth and political agitation by ethnic Nepalese resulted in policies and abusive practices that led to the departure of tens of thousands of ethnic Nepalese, many of whom were expelled forcibly.

The Government claims that ethnic and gender discrimination in employment is not a problem. It claims that ethnic Nepalese fill 22 percent of government jobs, which is slightly less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up about 35 percent of the country's population and that the Government underreports their number. Women are accorded respect in the traditions of most ethnic groups; however, persistence of traditional gender roles apparently accounts for the low proportion of women in government employment. Exile groups claim that ethnic and gender discrimination is a problem.

Women.—There is no evidence that rape or spousal abuse are extensive problems.

There are credible reports by refugees and human rights groups that security forces raped large numbers of ethnic Nepalese women in the southern area of the country in 1991 and 1992. According to Amnesty International, some women were said to have died as a result. In one independent survey of 1,779 refugee families, 26 percent of the respondents cited rape, fear of rape, or threat of rape as a prime reason for their departure from the country. The Government has denied these reports.

Rape was made a criminal offense in 1953, but that law had weak penalties and was enforced poorly. In 1993 the National Assembly adopted a revised rape act with clear definitions of criminal sexual assault and stronger penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Forty-three percent of enrollment in school is female, and 16 percent of civil service employees are women. 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. Dowry is not practiced, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters are said to account for the large numbers of women among owners of 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 are increasingly found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs are generally paid slightly less than men.

Polygamy is sanctioned provided the first wife gives her permission. Marriages may be arranged by partners themselves as well as by their parents. Divorce is com-

mon. Recent legislation requires that all marriages must be registered and favors women in matters of alimony.

Children.—The Government has demonstrated its commitment to child welfare by its rapid expansion of primary schools, health-care facilities, and immunization programs. The mortality rates for both infants and children under 5 years have dropped dramatically since 1989, and primary school enrollment has increased at 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. In 1995 the participation rate for boys and girls 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. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. Amnesty International reported that at least 23 students, between 7 and 21 years of age, whose relatives had been arrested for supporting the pro-democracy movement, were expelled from school in eastern Bhutan in 1998. AI also reported that 19-year-old Needup Phuntso was expelled from school in March 1998 and was tortured by members of the Royal Bhutanese police after his arrest in Thimphu in July 1998 (see Section 1.c.).

A study by UNICEF found that boys and girls receive equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes. Government policies aimed at increasing enrollment of girls have increased the proportion of girls in primary schools from 39 percent in 1990 to 43 percent in 1995.

There is no societal pattern of abuse against children.

People with Disabilities.—There is no evidence of official discrimination toward people with disabilities but the Government has not passed legislation mandating accessibility for the disabled.

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. In the late 1980's, 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. 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 in the south.

Beginning in 1989, more discriminatory measures were introduced, aimed at shaping a new national identity, known as Drukpa. Drukpa is based on the customs of the non-ethnic Nepali Ngalong ethnic group predominant in the western part of the country. 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 (English is the language of instruction in all schools). Also, beginning in 1988, the Government refused to renew the contracts of tens of thousands of Nepalese guest workers. Many of these workers had resided in the country for years, in some cases with their families.

Citizenship became a highly contentious issue. Requirements for citizenship were first 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. In 1985, however, a new citizenship law significantly tightened requirements for citizenship and resulted in the denaturalization of many ethnic Nepalese. While previously citizenship was conferred upon children whose father was a citizen under the 1958 law, 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 nearly 30 years before. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the previous 15 years. The Government declared all residents who could not meet the new requirements to be illegal immigrants.

The 1985 Citizenship Act also provides 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, in a circular notification in 1990, advised that "any Bhutanese nationals leaving the country to assist and help the anti-nationals shall no longer be considered as Bhutanese citizens . . . such people's family members living in the same household will also be held fully responsible and forfeit their citizenship." Human rights groups al-

lege that these provisions were widely used to revoke the citizenship of ethnic Nepalese who were subsequently expelled or otherwise departed from the country. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

Outraged by what they saw as a campaign of repression, ethnic Nepalese mounted a series of demonstrations, sometimes violent, in September 1990. The protests were spearheaded by the newly formed Bhutan People's Party (BPP) which demanded full citizenship rights for ethnic Nepalese, the reintroduction of Nepali as a medium of education in the south, and 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. Many ethnic Nepalese schools were reportedly turned into Army barracks. 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 were also credible reports that militants, including BPP members, attacked and murdered 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 were forcibly expelled. According to Amnesty International, entire villages were sometimes evicted en masse in retaliation for an attack on a local government official. Many ethnic Nepalese were forced to sign "voluntary migration forms" wherein they agreed to leave the country, after local officials threatened to fine or imprison them for failing to comply. By August 1991, according to NGO reports, 2,500 refugees were already camped illegally in Nepal, with a steady stream still coming from Bhutan. The UNHCR began providing food and shelter in September of that year, and by year's end, there were 6,000 refugees in Nepal. The number of registered refugees grew to approximately 62,000 by August 1992, and to approximately 80,000 by June 1993, when the UNHCR began individual screening of refugees. The flow slowed considerably thereafter; there were no new refugee arrivals from Bhutan to the camps during the year. As of late 1999, there were approximately 97,000 refugees registered in camps in Nepal, with much of the increase since 1993 the result of births to residents of the camps. An additional 15,000 refugees, according to UNHCR estimates, are 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 Bhutan. They also complain that the new laws have been selectively applied and make unfair demands for documentation on a largely illiterate group in a country that has only recently adopted basic administrative procedures. They claim that many ethnic Nepalese whose families have been in the country for generations were expelled in the early 1990's 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 Bhutanese citizen in cases where documents cannot be produced.

The Government maintains that many of those who departed the country in 1991–92 were Nepalese or Indian citizens who came to the country after the enactment of the 1958 Citizenship law but were not detected until a census in 1988. The Government also claims that many persons registered in the camps as refugees may never have resided in the country. A royal decree in 1991 made forcible expulsion of a citizen a criminal offense. In a January 1992 edict, the King noted reports that officials had been forcing Bhutanese nationals to leave the country but stressed that this was a serious and punishable violation of law. Nevertheless, only three officials were ever punished for abusing their authority during this period. According to the UNHCR, the overwhelming majority of refugees who have entered the camps since screening began in June 1993 have documentary proof of Bhutanese nationality. Random checks and surveys of camp residents—including both pre- and post-June 1993 arrivals—bear this out.

A Nepal-Bhutan ministerial committee met seven times between 1994 and 1996, and a secretarial-level committee met twice in 1997 in efforts to resolve the Bhutanese refugee problem. During 1998, Foreign Minister Jigme Thinley took office with a mandate to resolve the refugee issue, and several meetings were held with representatives of the Nepalese Government, the UNHCR, and NGO's. However, the dialog lost momentum in 1998 and was suspended by the Bhutanese Government pending the formation of a new government in Nepal in 1999. After a 3-year hiatus, the foreign ministers of Nepal and Bhutan met in September in Kathmandu to resume discussions on the refugee issue.

In March 1996 refugees began a series of "peace marches" from Nepal to Bhutan to assert their right to return to Bhutan. The marchers who crossed into Bhutan in August, November, and December 1996 were immediately detained and deported by Bhutanese police. In the December 1996 incident, police reportedly used force against the marchers. Such marches were also held in 1998 and 1999; the marchers charge that the police assaulted them during each march, injuring several demonstrators, and then arrested and deported all marchers. A resolution adopted by the National Assembly in July 1997 prohibits the still-resident family members of ethnic Nepalese refugees from holding jobs with the Government or in the armed forces. Under the resolution, those holding such jobs were to be involuntarily retired. The Government made clear that for the purposes of this resolution, family member would be defined as a parent, a child, a sibling, or a member of the same household. The Government states that 429 civil servants, many of them ethnic Nepalese, were retired compulsorily in accordance with the July 1997 National Assembly resolution, and that the program was terminated in November. The Government states that those forced to retire were accorded retirement benefits in proportion to their years of government service. The Government also began a 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 now living in refugee camps in Nepal. Human rights groups maintain that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintains that this is not its first resettlement program and that Bhutanese citizens who are ethnic Nepalese from the south are sometimes resettled on more fertile land in other parts of the country.

Section 6. Worker Rights

a. *The Right of Association.*—Trade unions are not permitted, and there are no labor unions. Workers do not have the right to strike, and the Government is not a member of the International Labor Organization.

b. *The Right to Organize and Bargain Collectively.*—There is no collective bargaining in industry. Industry accounts for about 25 percent of the gross domestic product, but employs only a minute fraction of the total work force. The Government affects 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 Compulsory Labor.*—The Government abolished its system of compulsory labor taxes in December 1995. Laborers in rural development schemes previously paid through this system are now paid regular wages. There is no evidence to suggest that domestic workers are subjected to coerced or bonded labor. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law 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 are sometimes employed with road-building teams. The law does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). The Government provides free and compulsory primary school education, and 72 percent of the school-aged population is enrolled. Children often do agricultural work and chores on family farms. There is no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas that were closed in 1990 remain closed today. 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.

e. *Acceptable Conditions of Work.*—A circular effective February 1, 1994, established wage rates, rules and regulations for labor recruiting agencies, and regulations for payment of workmen's compensation. Wage rates are periodically revised, and range upward from a minimum of roughly $1.50 (50 ngultrums) per day for unskilled and skilled laborers, with various allowances paid in cash or kind in addition. This minimum wage does provide a decent standard of living for a worker and family in the local context. The workday is 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 is the government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases since then, including a 25 percent increase in July 1997. Only about 30 industrial plants employ more than 50 workers. Smaller industrial units include 69 plants of medium size, 197 small units, 692 "mini" units, and 651 cottage industry units. The Government favors a family-owned

farm policy; this, along with the country's rugged geography and land laws that prohibit a farmer from selling his last five acres and that require the sale of holdings in excess of 25 acres, result in a predominantly self-employed agricultural work force. Workers are entitled to free medical care within the country. They are eligible for compensation for partial or total disability, and in the event of death, their families are entitled to compensation. Existing labor regulations do 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 prohibit trafficking in persons, and there were no reports that persons were trafficked in, to, or from the country.

INDIA

India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) led a 13-party coalition, took office in March 1998 and heads the Government. The Government lost a parliamentary vote of confidence on April 17, and new parliamentary elections were held in September and early October after the President dissolved the lower house of Parliament in April. President K.R. Narayanan, who was elected by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. The judiciary is independent.

Although the 25 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 for the state-organized police forces. The armed forces are under civilian control. Security forces committed significant human rights abuses, particularly in Jammu and Kashmir and in the northeastern states.

India is in a transition from a government-controlled economy to one that is largely market oriented. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industry. Economic liberalization and structural reforms begun in 1991 continue, although momentum has slowed. The country's economic problems are compounded by rapid population growth of 1.7 percent per year with a current population of more than 1 billion. Income distribution remained very unequal, with the top 20 percent of the population receiving 39.3 percent of income and the bottom 20 percent receiving 9.2 percent of income. Forty percent of the urban population and half of the rural population live below the poverty level.

There continued to be significant human rights abuses, despite extensive constitutional and statutory safeguards. Serious human rights abuses included: Political and other extrajudicial killings, including faked encounter killings and 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; prolonged detention while undergoing trial; lengthy delays in trials; 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; female bondage and forced prostitution; child prostitution and infanticide; discrimination against the disabled; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; societal violence against Christians and Muslims; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.

Many of these abuses are generated by intense social tensions, 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 antimilitant tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. The number of insurgency-related killings and acts of torture in Jammu and Kashmir and the northeast by regular security forces showed no clear improvement from the previous year; this also was true in the northeast, despite negotiated

cease-fires in the northeast between the Government and insurgent forces and between some tribal groups. Security forces summarily killed suspected militants and civilians; with few exceptions, they acted with impunity.

The concerted campaign of execution-style killings of civilians by Kashmiri militant groups, begun in 1998, continued and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious abuses, including extrajudicial executions of members of the armed forces and civilians and other political killings, torture, and brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and northeast India.

The spring and summer incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control around Kargil in the state of Jammu and Kashmir and the Indian military campaign to repel the intrusion resulted in a large number of casualties among combatants on both sides, as well as some civilian deaths and the internal displacement of as many as 50,000 persons.

Nearly 100 persons were killed in election-related violence throughout the country in September and October.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Political killings by government forces (including deaths in custody and faked encounter killings) continued at a high level in the state of Jammu and Kashmir and several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants brought in dead or alive.

The Minister of Home Affairs for Jammu and Kashmir said that security forces had killed 762 militants in the state as of October. (Kashmir has been at the center of a territorial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir.) Kashmiri separatist groups maintain that many such "encounters" are faked and that suspected militants offering no resistance are summarily executed. Statements by senior police and army officials confirm that the security forces are under instructions to kill foreign militants rather than attempt to capture them alive. Human rights groups allege that this is particularly true in the case of security force encounters with non-Kashmiri militants who cross into Jammu and Kashmir illegally. Although credible evidence to corroborate cases and quantify trends is lacking, most observers believe that the number of killings attributed to regular Indian forces showed no decrease from the previous year. According to press reports and anecdotal accounts, those persons killed typically were detained by security forces, and their bodies, bearing multiple bullet wounds and often marks of torture, were returned to relatives or were otherwise discovered the same day or a few days later. For example, on May 15 a patrol of the Rashtriya Rifles (a regular army unit specially trained to and assigned to counterinsurgency duty) took two brothers, Abdul Qayoom and Nazir Ahmed into custody in Handwara, Jammu and Kashmir. A few days later, the bodies of the two men were returned to family members, who were told that they were killed while trying to escape.

NGO's active in Jammu and Kashmir reported that on April 1, Fayaz Ahmed Bhatt of Anantnag was killed following his arrest by security forces and that his body was returned to family members by police in Nishat. The National Human Rights Commission (NHRC), a government-appointed and financed investigative body (see Section 4), directed that all deaths in encounters immediately be investigated by an independent agency, but members of the security forces rarely are held accountable for these killings. The NHRC itself may inquire into alleged human rights abuses by security forces in Jammu and Kashmir, but does not have the statutory power to investigate such allegations if it is not satisfied with the responses to its inquiries. Authorities generally have not reported encounter deaths that occur in Jammu and Kashmir to the NHRC. Human rights groups alleged that security forces summarily executed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly respond indiscriminately to a burst of gunfire.

Soldiers also killed civilians during military counterinsurgency operations. For example, on August 4, 1998, suspected government-sponsored counter-militants entered Saalan village, Poonch district, and summarily executed 19 relatives of a suspected Harkat-ul-Ansar militant, including 14 children and 2 women. During the year, portions of the Jammu and Kashmir human rights commission report on this incident became public; the commission held the army and government-supported militants responsible. Human rights activists in Jammu and Kashmir alleged that

members of the Rashtriya Rifles shot and killed Hajra Begum in Fatehpora village, near Baramullah town. Reportedly, the soldiers went to Begum's home late at night and attempted to rape one of Begum's daughters. When Begum resisted, the soldiers shot and killed her and wounded her brother, Bashir Ahmad Rather.

According to an army spokesman, in Jammu and Kashmir security forces killed 10,727 militants during the 1990's. In November Jammu and Kashmir governor Girish Chander Saxena said that from 1989–99 militants killed 8,000 civilians and 2,000 security force members, and that another 2,600 civilians died in crossfire between security forces and militant groups. Government figures reveal that 867 civilians, 232 members of the security forces, and 999 militants were killed in Jammu and Kashmir in 1998. According to the Government, in 1998, 632 civilians, 126 security forces members, and 270 militants were killed in the northeastern states, and the Government reported 811 total killings in the northeast during the year.

Impunity has been and remains a serious problem in Jammu and Kashmir. Security forces have committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture. Despite this record of abuse, between January 1990 and September 1998, only 295 members of the security forces were prosecuted and punished for any of these crimes, and no compensation was paid to the victims or their families, according to the Union Home Ministry. During the same period, 113 members of the security forces were punished for human rights abuses in the northeastern states. Punishments ranged from reduction in rank to imprisonment for up to 10 years. According to the NHRC's most recent report, released in 1998, 259 complaints of alleged human rights violations by the Border Security Force were registered between January 1990 and March 1997. During the same period, only 31 investigations into allegations of human rights abuses by members of the army were completed, resulting in the conviction and sentencing of 81 armed forces personnel, including 29 officers.

In the past, scrutiny by the NHRC and international human rights organizations, when permitted, and the persistence of individual magistrates resulted in somewhat greater accountability for abuses committed by members of the security forces in Jammu and Kashmir; however, in July 1998, the Government rejected the NHRC's recommendations to bring the army and paramilitary forces under closer scrutiny by allowing the NHRC to investigate complaints of their excesses. According to a credible Kashmir-based NGO, the killing of civilians by security forces increased during the year but did not reach the levels of the mid-1990's. The majority of complaints were about individual cases; there were no reports of entire villages being burned by armed forces or of mass killings. The NHRC continues to receive complaints alleging human rights violations by the security forces, especially from Jammu and Kashmir and the northeastern states. The vast majority of violations by security forces continue to go uninvestigated and unpunished.

There were many allegations that military and paramilitary forces in the northeast engage in arbitrary detention, abduction, torture, and the extrajudicial execution of militants, as well as rape (see Sections 1.c. and 1.g.). The Armed Forces Special Powers Act of 1958 and the Disturbed Areas Act of 1976 remained in effect in several states where 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 allow security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act of 1958 provides search and arrest powers without warrants.

Human rights monitors allege that, as in Jammu and Kashmir, government reports of deaths during "encounters" between insurgent groups and security forces in northeastern states actually are staged, and that those insurgents who were reported dead were killed after being detained by security forces. More than 25 encounters occurred between security forces and militant groups during the first 7 months of the year, leaving 34 militants and 48 members of the security forces dead in the northeastern states, according to a compilation of newspaper accounts. For example, in a shootout on February 23 in Jankhang, Nagaon district, army Major Murli Gangadhar and "Pratap," the area commander of the Kabri National Volunteers militant group were shot and killed. In Guwahati district, police shot and killed a National Democratic Front of Bodoland leader at Bhetapara on March 3. On May 17, the army shot and killed a United Liberation Front of Assam (ULFA) leader in Darrang district. On August 5, police killed a ULFA militant, Babul Ingty, alias Putul Teron, who was wanted in connection with more than 25 cases of murder, kidnaping, and extortion. In Tripura during the first 8 months of the year, there were at least 9 encounters between security forces and various militant groups resulting in the deaths of 55 militants and 24 members of the security forces, according to a compilation of newspaper articles. On March 3, the army killed five

militants in Chandel district. On March 28, the security forces killed an ULFA militant in Tinsukia district. In Manipur security forces shot a Manipur People's Army (MPA) militant and injured two persons in an encounter near the Manipur-Assam border. On April 12, five suspected People's Liberation Army (PLA) terrorists were killed in an encounter with the army in Bishenpur district.

In a positive development, in July the Supreme Court directed the central Government to explain why it had not acceded to the request of the NHRC to release records pertaining to the October 1993 killing of some 60 civilians by security forces in Bijbehara town, Anantnag district; however, the Government did not respond.

Since 1980 clashes between police and Naxalite Maoist revolutionaries of the Peoples' War Group (PWG) have occurred in northwestern Andhra Pradesh. Over the past few years, hundreds of policemen and suspected Naxalites have been killed, according to press reports and human rights organizations. According to local human rights groups, 135 persons were killed in police "Encounters" in the first 6 months of the year. Nineteen years of guerrilla-style conflict have led to serious human rights abuses by both sides. Human rights groups allege that "encounters" often are faked by the police to cover up the torture and subsequent murder of Naxalite suspects, sympathizers, or informers. For example, in May police took into custody three leaders of a radical students union who were suspected of having links with the PWG. According to human rights groups, the police tortured and killed two of the students, abandoning their bodies in a forest. The third student later was released, although he too underwent torture (see Section 1.c.). In another incident cited by human rights groups, police arrested, tortured, then killed four of six farmers in a village in Adilabad district in April (see Section 1.c.). Their bodies were found in a forest 150 miles away from the village, and the incident was reported as an "encounter death." After the villagers protested, the police produced the other two farmers in court as "suspected extremists." The PWG alleged that police killed three of their members, Adi Reddy, Santosh Reddy, and Seelam Naresh, in a "faked encounter" in Koyyuru forest, Karnataka, on December 2, and that another PWG member helped frame them. As further evidence that "encounters" often are faked by police, human rights groups also cite the refusal of police officials to hand over the corpses of suspects killed in "encounters," which often are cremated before families can view the bodies. Villagers in PWG-dominated areas complain of regular harassment and arbitrary detention by police. Police officials rarely if ever are held accountable for human rights abuses. In 1998 the Andhra Pradesh Civil Liberties Committee, a local NGO, documented more than 100 encounter killings by police in which no perpetrators were prosecuted. The NHRC is investigating some 285 reported cases of so-called "fake encounter deaths" allegedly committed by the Andhra police in connection with anti-Naxalite operations. In its 1996–97 report, the NHRC stated that the evidence on record did not reveal that any prior attempt was made by the police to arrest the deceased persons. The report observed that in none of these encounters did police personnel receive any injury, while one or more persons from the other side died. The Commission further observed that "no attempt whatsoever" was made to ascertain the identity of the police officers who fired the weapons that caused the deaths and that no attempt was made to investigate the circumstances under which the police opened fire. "As this appeared to be the pattern of the procedure followed by the police," the report concluded, "the Commission felt it necessary to conclude that the procedure followed by them was opposed to law." According to the Andhra Pradesh Civil Liberties Committee, the NHRC has evidence of police culpability in several cases of "encounter deaths" involving suspected Naxalites. However, such cases have not been adjudicated in the courts or have otherwise not been acted on by the state government. For example, of six cases referred by the Andhra Pradesh Civil Liberties Committee to the NHRC in 1994, evidence of police culpability was found in five. The NHRC directed the state government to investigate the cases; however, action apparently never was taken by the state. The state government's failure to act expeditiously in these cases has discouraged local human rights groups from filing additional "encounter death" cases with the NHRC.

The Disturbed Areas Act has been in force in a number of districts in Andhra Pradesh for over 2 years. Human rights groups allege that security forces have been able to operate with virtual impunity in parts of Andhra Pradesh under the act. They further allege that Andhra Pradesh police officers train and provide weapons to an armed vigilante group known as the "Green Tigers," whose mission is to combat Naxalite groups in the state. Little is known about the size, composition, or activities of this group.

Police also used excessive force indiscriminately against demonstrators, killing many citizens. For example, in Tirunelveli, Tamil Nadu 17 persons drowned in a river in July when thousands of demonstrators ran to escape a police beating. The demonstrators were demanding government intervention in a labor dispute at a

local coffee estate and the release of 652 estate workers imprisoned after a previous demonstration (see Section 2.b.). The police reportedly began to throw rocks at demonstrators, beat them with batons, fired weapons in the air, and chased the demonstrators into a nearby river. The police reportedly followed demonstrators into the river and hit some of them with batons. They also allegedly beat persons attempting to rescue drowning demonstrators. Leaders of the demonstration alleged that the autopsies of the victims were flawed, but the state government rejected their demand for a second post mortem. The state has ordered an investigation into the incident to be conducted by a retired Supreme Court judge. By year's end, no progress had been made.

On July 17, police killed two persons at Chhapra and one at Darbhanga in Bihar after a scheduled entrance exam for the army was postponed, resulting in a riot. More than 30 persons, including a senior army officer and a police subinspector, were injured. In February in Murshidabad district, West Bengal, the Border Security Force shot and killed two villagers and injured another when a group of villagers tried to smuggle cattle into Bangladesh.

Throughout the country, numerous accused criminals continue to be killed in encounters with police. For example, the People's Union for Civil Liberties (PUCL) in Bihar alleged that police shot and killed Lallu Singh and Bharat Singh, two unarmed men who had surrendered to them at Dadpur, Dhagwanpur district, on June 22, 1998. Police contend that the two persons were planning to commit a "serious crime," and that they were armed and resisting arrest. However, witnesses to the killings told the PUCL that the two had surrendered, offered no resistance, and were shot at point-blank range.

According to the Government, 462 civilians and 106 police officers died in exchanges of gunfire involving police in 1997. In January the NHRC directed the government of Uttar Pradesh to pay an interim compensation of $11,500 (500,250 rupees) each to the families of three young men killed due to indiscriminate firing by police on the Banaras Hindu University campus. Two of the victims were students and the third a former student when the shootings occurred in February 1997.

Security forces also held persons in incommunicado detention; on occasion, as in the 1996 case of human rights monitor Jalil Andrabi, such missing persons later were found dead (see Sections 1.b. and 4). As of December 1997, 55 cases of disappearance and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.b. and 1.c.).

While extrajudicial killings continued in areas buffeted by separatist insurgencies, the press and judiciary also continued to give attention to deaths in police custody. According to the Government, 817 persons died in prisons between January 1 and September 30, 1998, many from natural causes, in some cases aggravated by poor prison conditions (see Section 1.c.). Human rights groups allege that many deaths in prisons are due to torture.

The NHRC has focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appear to be complying with this directive. However, the NHRC has no authority to investigate directly abuses by the security forces, and security forces therefore are not required to—and do not—report custodial deaths in Jammu and Kashmir or the northeast. In 1998 the NHRC ordered the Central Bureau of Investigation (CBI) (the central government agency charged with investigation of serious crimes), to investigate the torture death of Delhi leather merchant Hari Shankar Pal, who was arrested along with five other persons and beaten by Hauz Kazi police on December 8, 1997. After 2 days of abuse, police took Pal to the city's Ram Manohar Lohia hospital, where he was pronounced dead upon arrival. The results of the May 1998 CBI investigation were not made public; the station house officer of the Hauz Kazi police station was transferred to another duty. In September the NHRC directed the government of Punjab to pay compensation to the family of Mela Singh, Mansa district, Punjab, who died in the Lehragaga police station on December 2, 1994. In a complaint to the NHRC, the victim's wife alleged that the police had detained her husband illegally for 4 days and that he died in police custody due to torture. According to credible NGO's, on August 16, police allegedly tortured Lakhbir Singh Lakha to death in police custody at a police post in Chohla Sahib in Tarn Taran district, Punjab. On September 18, Devinder Singh, a young Sikh, died in police custody at the Ropar police station in Punjab. Devinder Singh was arrested with his two brothers; all three persons allegedly were tortured (see Section 1.c.). As of year's end, no one had been held accountable.

On June 2, the NHRC demanded a response from Delhi police to a complaint that it received alleging that Raziuddin died April 30 of torture injuries inflicted in Tihar jail following his arrest by the crime branch of the Delhi police. The NHRC also re-

ceived a complaint alleging that police in Jehanabad village, near Pilibit, Uttar Pradesh, beat to death 20-year-old Dilshad on May 23, hours after arresting him. An autopsy was conducted, but instead of returning the body to family members, the complaint alleged that police had the body cremated on May 24, without the consent of the family. In Haryana six police officers were suspended and charged with culpable homicide and wrongful confinement in connection with the death in custody on August 15 of Mohinder Singh, a 45-year-old employee of the Haryana state electricity board. Alipur police arrested Singh the same day. His body was brought to nearby Hindu Rao hospital a few hours later, allegedly bearing marks of torture. In Gujarat the NHRC demanded information from authorities regarding the June 25 death of Ganga Nepali, an inmate of Sabarmati jail. According to the report of a three-member committee established by the West Bengal government's prisons department, there were 46 custodial deaths in the state in 1995–96, 44 in 1996–97, and 66 in 1997–98. On March 19, for example, the charred body of Pappu Ahmed was found in the Howrah jail toilet. Jail authorities claim that Ahmed was a drug addict and had committed suicide. The West Bengal Human Rights Commission ordered an investigation, questioning how he got matches and kerosene, and the suicide motive. In May Jagadeesan, a 14-year-old student who was arrested for causing damage to public property in Sivaganga district, Tamil Nadu, died from torture injuries inflicted by police. The Tamil Nadu government ordered an investigation, and the policemen involved were suspended from active duty.

An army major was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi. The case still was being heard at year's end, but human rights workers alleged that the central Government and Jammu and Kashmir state both were attempting to subvert the judicial process by withholding evidence. There were no developments in the 1996 killing of human rights monitor Parag Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government (see Section 4.).

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued as a significant pattern in Jammu and Kashmir. Countermilitants are former separatist militants who surrendered to government forces but have retained their arms and paramilitary organization. Government agencies fund, exchange intelligence with, and direct operations of countermilitants as part of the counterinsurgency effort. Countermilitants are known to search persons at roadblocks (see Section 2.d.) and guard extensive areas of the Kashmir valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities is responsible for killings, abductions, and other abuses committed by these militant groups. Perhaps as many as 3,000 individuals continue to operate in Jammu and Kashmir, particularly in the countryside, outside major towns. The Hizbul Mujahideen, a Kashmiri militant group, told the press in June 1998 that progovernment countermilitants had killed 350 of its members. According to the Lashkar-I-Toiba, another militant group, security forces killed 21 members during the year in Jammu and Kashmir; however, this number has not been confirmed, and comes from one of only many groups in the state. Precise numbers are unavailable. The Government recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force (BSF).

Militant groups in Jammu and Kashmir increasingly targeted members of the security forces and civilians during the year. On April 29, five militants forcibly entered the home of Ahad Ganai, in Kreshipora, Kupwara district, rounded up the residents, and shot them with automatic weapons, killing eight family members, including children. On July 13, militants attacked a BSF residential compound in Baramulla district, killing three BSF troops; two militants also died in the exchange. On August 10, militants attacked a BSF position in Rajouri district, killing one BSF soldier and injuring two others. On August 11, militants killed three BSF soldiers and injured three others in Rajouri district. Militants also carried out attacks on security forces and civilians that killed numerous persons (see Section 1.g.).

The police, BSF, and army each reported that during the year they had the highest number of causalities of any year during the past decade of militancy. The BSF reported that during the year militants killed over 35 persons, including 5 officers. The police forces reported that, as of September, 61 policemen had been killed. Army statistics indicated that during the year over 200 soldiers were killed in counter-insurgency violence in Jammu and Kashmir. The year's total number of security force deaths (over 300 according to the Home Minister) indicates a nearly 50 percent increase above prior years.

During the period of increased militant attacks against the security forces, there was a parallel decline in massacres of unarmed civilians in Jammu and Kashmir; however, incidents of mass killings of civilians still occurred. Between May and

July, Muslim militants carried out four mass killings of Hindu villagers in Jammu and Kashmir. On July 20, approximately 20 militants entered two houses in the Doda district of Jammu region, and opened fire with automatic weapons, killing over 15 Hindu persons, including 3 women and 7 children; one woman was 75 years old. The militants, identified by a survivor as belonging to Hizbul-Mujahideen, specifically were targeting five men in the houses who were members of their local village defense committee (VDC). In 1998 the state police created dozens of VDC's throughout Jammu as a means of arming Kashmiri Hindus (Pandits) against attacks by Muslim militants (see Section 5).

Insurgency and increased ethnic violence took a heavy toll in the northeast. Extensive, complex patterns of violence continued in many of the seven northeastern states. The main insurgent groups in the northeast include two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security force in Assam; and the ATTF and the NLFT in Tripura. The proclaimed objective of many of these groups is to secede from of the country, creating new, independent nations. Their stated grievances against the Government range from charges of neglect and indifference to the endemic 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. On August 1, 1997, a cease-fire between the Government and the Isak-Muivah faction of the NSCN (NCSN–IM) entered into effect and largely has been observed by the Government and all insurgent groups in the state. During the latter part of the year, the cease-fire was extended through July 31, 2000. In May underground Naga leaders Isak Chisi Swu and Thuingaleng Muivah, chairman and general secretary respectively of the NSCM–IM, visited Nagaland for the first time in 33 years. The Government asked the NSCM–IM to define the geographical boundary of "Nagalim" to enable it to extend the cease-fire zone to these areas. On August 18, the NSCM–IM killed Dally Mungro, general secretary of the Khaplang faction of the NSCN, along with two of his associates.

The Kuki and Paite ethnic tribes also entered into a cease-fire in March 1998, which was signed in the presence of Manipur's chief minister. Both sides observed the cease-fire, and in October 1998 a peace accord between them was signed. In 1997 violence between the Kuki and Paite communities led to hundreds of deaths and the burning of many homes. Elsewhere in the northeast, the upsurge in Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. More than 260,000 persons live 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 killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam. There also were encounters between security forces and the NSCN-Khaplang faction throughout the year.

In Tripura kidnapings committed by militant groups operating in the state continued to be a problem. For example on March 19 a Communist Party (Marxist) leader was kidnaped and killed by the National Liberation Front of Tripura militants. Even after ransom is paid for captives, many are killed. According to a compilation of newspaper accounts compiled during the first 8 months of the year, more than 193 persons were killed in insurgency-related violence in Assam; 184 in Tripura; 88 in Manipur; 7 in Mizoram; 5 in Nagaland; and 4 in Meghalaya. On March 7, ULFA militants shot and killed a local Congress Party leader in Assam. On March 26, ULFA militants killed the Assam state agriculture minister's brother and injured the health minister's brother. On March 29, ULFA militants shot and killed the nephew of the public health engineering minister in north Lakhimpur district. On the same day, an armed group of Communist Party of India (Marxist-Leninist Liberation) members shot and killed three members of a rival faction in retaliation for the earlier murder of some of their members. On May 19, in south Tripura district, NLFT insurgents hacked to death Halendra Tripura, a tribal Communist Party of India (Marxist) (CPM) leader, and his brother-in-law, Ananda Mohan Roaja, a senior tribal leader and a member of the Tripura state legislative assembly. On June 17, suspected monitors of the Congress and the Tripura Upajati Juba Samity killed CPM member Sukhlal Debnath in Mohanpur, Sadar subdivision. On July 14, suspected NLFT militants killed Amar Pal, a CPM leader, and abducted his nephew in Dhanlekha village in south Tripura (see Section 1.b.). In August militants belonging to the Isac-Muivah faction of the NSCN–IM and Mizoram's tribal Hmar People's Conference (HPC) killed at least one person during a spree of abductions (see Section 1.b.). Three militant attacks occurred in November, killing numerous persons; these attacks made use of some unconventional weapons, and in some cases targeted civilians (see Sections 1.g. and 5).

The kidnaping of NGO environmental monitor Sanjay Ghosh in 1997 and his death at the hands of his ULFA captors continued to attract wide public criticism. On August 6, 1997, ULFA confirmed that Ghosh died in captivity after being "arrested and tried." ULFA still has not produced Ghosh's body. In June the CBI filed murder charges in connection with the case against ULFA leader Paresh Arua and 10 other ULFA members. Groups representing several ethnic tribal peoples in Assam, including the Santhals, Mundas, Oraons, Gonds, Savars, Bhils, Koyas, Kharias, Lohars, and Parjas, allege that they have been the target of systematic violence at the hands of the National Democratic Front for Bodoland. In Assam surrendered members of the ULFA (Sulfa's) were labeled as traitors and targeted for murder by ULFA members. On March 6, ULFA members fired a rocket-propelled grenade at a Guwahati apartment building housing several Sulfa's; there were minor injuries. In retaliation for this and other attacks, the relatives of ULFA members allegedly have been targeted. For example, on March 6, just hours after the apartment building rocketing, unidentified gunmen attacked three houses in Guwahati belonging to the relatives of ULFA members, killing six persons and injuring a 50-year-old woman.

Naxalite Maoist revolutionaries of the PWG killed dozens of persons, declaring them "class enemies" or police informers. On March 3, a group of about 60 armed Naxalites entered Bhimpura village, Bihar, forcibly entered 25 homes, and murdered 5 persons, including 3 members of a family. In areas under their control, Naxalites dispense summary justice in "People's Courts," which in some cases condemn to death suspected police informers, village headmen, and others deemed to be "class enemies" or "caste oppressors" (landlords); the Naxalites also extort money from these groups, as well as businesses. On February 10, the Naxalite PWG killed seven lower caste villagers in Bihar (see Section 5). On September 4, Naxalite members shot and killed the superintendent of police in Hyderabad. On September 15, 10 to 15 Naxalite insurgents in Sirpur, Andhra Pradesh shot and killed Paliwai Purushottam Rao, a member of the Andhra Pradesh legislative assembly, as well as 3 bodyguards. On December 15, Naxalite extremists belonging to the PWG hacked to death Madhya Pradesh state minister Likhiram Kaware, a three-term Congress Member of Legislative Assembly (MLA), as he slept at his ancestral home in Sonepuri. According to media reports, the PWG left a note at the murder scene stating that the killing was in retaliation for police action against group members carried out in Andhra Pradesh on December 1, in which four extremists were killed. This is the first known instance in which PWG extremists targeted a high-level government official. The PWG also use land mines to kill police (see Section 1.g.), and insurgents use bombs to kill government officials, police, and civilians. Naxalite violence has plagued Andhra Pradesh since the early 1980's, and has claimed more than 500 civilian and police victims since 1996 alone.

In November 1997, an independent commission of inquiry established by Parliament in 1991 to investigate the May 21, 1991 assassination of former prime minister Rajiv Gandhi tabled an interim report of its findings in the Lok Sabha (Lower House of Parliament). The report pointed to the Liberation Tigers of Tamil Eelam (LTTE) as clearly responsible for the assassination but was inconclusive on the question of whether the LTTE had received assistance in carrying out the murder. It criticized the then-government for an alleged failure to provide comprehensive security for the former Prime Minister. On January 28, 1998, a designated lower court in Chennai sentenced to death all 26 persons accused in the assassination. The CBI originally charged 41 persons in the case; 12 since have died, and 3 have evaded capture (including LTTE leader Velupillai Prabakharan). Many of those sentenced, who include both Indian and Sri Lankan nationals, allegedly played a peripheral role in the assassination plot, but the court upheld the CBI contention that all of them were aware that they were conspiring in a common cause. Having heard an appeal of the convictions, the Supreme Court on May 11 acquitted 19 of the 26 accused persons and upheld the convictions of 7 persons (see Section 1.d.). It sustained the death sentence in the case of four of the convicted persons and changed the sentence of three others to life imprisonment.

The incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control around Kargil and the Indian military campaign to repel the intrusion resulted in a large number of casualties on both sides, including civilians (see Section 1.g.).

Nearly 100 persons were killed in election-related violence throughout the country in September and October (see Sections 1.g. and 4).

Religiously and ethnically motivated violence led to large numbers of deaths (see Section 5).

Mob lynchings of tribal people occur in many states (see Section 5).

In April security officials reported that 6 Bangladeshis and three Indians were killed and that over 60 persons were wounded in a border exchange of mortar rounds and gunfire along the West Bengal-Bangladesh border. There are about one or two such incidents reported annually.

b. *Disappearance.*—According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir; however, the Government has not released any recent figures.

The Jammu and Kashmir police acknowledged that 1,228 suspected militants were arrested during 1998 and that an additional 187 surrendered. Of this number, 529 persons were released after preliminary questioning, 457 persons were charged under special security laws, and the remaining persons were released at a later stage of judicial review. In addition the Jammu and Kashmir police stated that in 1998 it held 514 persons under the Public Safety Act (PSA). The Jammu and Kashmir Minister of Home Affairs said that 552 militants were arrested and 62 persons surrendered during the first 9 months of the year. According to an Amnesty International report that was released during the year, there are over 800 unsolved disappearances in Kashmir since 1990. The Government was unable to provide complete statistics for the number of persons held under special security laws in the northeast, but acknowledged that 43 persons were in detention under the National Security Act as of December 31, 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, one credible human rights organization stated that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term confinement in transit and interrogation centers.

Human rights groups maintain that several hundred more persons are held by the military and paramilitary forces in long-term unacknowledged detention in interrogation centers and transit camps in Jammu and Kashmir and in the northeast that nominally are intended for only short-term confinement. Human rights groups fear that many of these unacknowledged prisoners are subject to torture and extrajudicial killing (see Sections 1.a. and 1.c.). According to one credible NGO, there were 1,300 writs of habeas corpus pending in the Jammu and Kashmir High Court at midyear. In March Amnesty International reported that the fates of between 700 and 800 persons reported missing in Jammu and Kashmir since 1990 remain unexplained by authorities. The U.N. Special Rapporteur on Torture reported in 1997 that more than 15,000 habeas corpus petitions have been filed in India since 1990, "but that in the vast majority of these cases the authorities had not responded to the petitions." During the year, the Working Group on Enforced or Involuntary Disappearances of the U.N. Commission on Human Rights transmitted 33 newly reported cases of disappearance to the Government, 14 of which reportedly occurred in 1998. The Government submitted information on eight cases of disappearance to the Working Group during the year. In one prominent case in Jammu and Kashmir, the Government responded to the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions in 1997 and stated that human rights monitor Jalil Andrabi was not arrested by security forces, as alleged by human rights groups, but that he was abducted by "unidentified armed persons." Andrabi was last seen alive in the presence of countermilitants and members of the security forces on March 8, 1996, in Srinagar. Despite the Government's statement, the army in February 1996 identified to a Srinagar court a major with a temporary commission as the individual primarily responsible for Andrabi's death. Allegedly security forces dumped Andrabi's body into the Jhelum River. His case also is the subject of an inquiry by the NHRC. In 1998 an army major was arrested for the killing of Andrabi. There was no progress in the case by year's end (see Sections 1.a. and 4). In April 1998, the Government stated that it would investigate the fate of eight persons who reportedly disappeared in Jammu and Kashmir during 1997: Fayaz Ahmad Beigh, Fayaz Ahmad Khan, Abdula Rashid Wahid, Mohammed Ashraf Dar, Mohammed Afzal Shah, Nisar Ahmad Wani, Manzoor Ahmad Dar, and Bilal Ahmad Sheikh. By September 1998, the Government could account for only one of the eight, claiming that Fayaz Ahmad Beigh escaped police custody on September 9, 1997, and was believed to have crossed the line of control into Pakistan. By year's end, no new information was available. As of December 1997, 55 cases of disappearance and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.a. and 1.c.).

The Government maintains that screening committees administered by the state governments provide information about detainees to their families. However, other sources indicate that families are able to confirm the detention of their relatives only by bribing prison guards. For example witnesses report that uniformed security forces arrested Muhammad Ashraf Mir, Bilal Ahmad Mir, Munir Ahmad Mir, and Gulzar Ahmad Wani on Residency Road, Kashmir valley, on May 4 and took them

to an unknown location. Authorities did not provide any information about the arrests, despite repeated requests from family members. A program of prison visits by the International Committee of the Red Cross (ICRC), which began in October 1995, is designed in part to help assure communications between detainees and their families. During the year, the ICRC visited approximately 1,000 detainees in 20 places of detention. All acknowledged detention centers in Jammu and Kashmir and Kashmiri detainees elsewhere in the country were visited. However, the ICRC is not authorized to visit interrogation centers or transit centers, nor does it have access to regular detention centers in the northeast (see Sections 1.c. and 4).

In Punjab the pattern of disappearances prevalent in the early 1990's appears to be at an end. Hundreds of police and security officials were not held accountable for serious human rights abuses committed during the counterinsurgency of 1984–94. However, steps were taken against a few such violators. The CBI claims to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" case. Police in the Tarn Taran district secretly disposed of bodies of suspected militants believed to have been abducted and extrajudicially executed, cremating them without the knowledge or consent of their families. The CBI, in its report to the Supreme Court in December 1996, stated that Punjab police secretly had cremated over 2,000 bodies in Tarn Taran; of these, 585 bodies had been identified fully, 274 had been identified partially, and 1,238 were unidentified. Most reportedly were killed by border security forces while trying to enter the country from Pakistan, were unidentified victims of accidents or suicide, or died in clashes between militant factions. However, 424 persons were apparently militants killed in the interior of the district, 291 of whom subsequently were identified. These numbers demonstrate the extent of the bloodshed during those years and, given the pattern of police abuses prevalent during the period, credibly include many killed in extrajudicial executions. The NHRC is seeking to obtain compensation for the families of those victims whose remains were identified, but the Government has challenged the NHRC's jurisdiction in the cases. In September 1998, the Supreme Court upheld the right of the NHRC to investigate the cases. In August 1998, the Committee for the Coordination on Disappearances in Punjab (CCDP) member and former Supreme Court Justice Kuldip Singh presented the chief minister of Punjab with a list of approximately 3,000 persons who either were missing or had died in encounters with security forces during the period of unrest in Punjab. Former justice Singh also announced that the CCDP would form a three-member commission to investigate the mass cremations. The Commission received little cooperation from state government authorities and made little progress during the year (see Section 4).

In August Amnesty International called on the Government to explain the disappearances and prosecute those responsible. It expressed concern that police in Punjab might be obstructing the judicial inquiry into the death of human rights monitor Jaswant Singh Khalra. Khalra was investigating the cremation of unidentified bodies by Tarn Taran police. Several witnesses observed Punjab police officials arrest Khalra outside his Amritsar home on September 6, 1995. Police officials subsequently denied that they had arrested Khalra, and he has not been seen since. On July 30, 1996, following its investigation, the CBI identified nine Punjab police officials as responsible for Khalra's abduction and recommended their prosecution. One of the suspects subsequently died, reportedly by suicide; none of the others were charged by year's end. In July 1998, Punjab police arrested Jaspal Singh Dhillon, another member of the CCDP who was active in the Tarn Taran investigation, on suspicion of conspiring to free several convicted Sikh separatists from a Chandigarh jail. He was released on bail on May 27. These events prompted extended public debate over the accountability of Punjab police for excesses while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials were either facing charges, were prosecuted, or were under investigation for human rights abuses at year's end. Early in the year, the Punjab High Court, acting on a petition by the Punjab police, ordered the suspension of public hearings conducted by the People's Commission of Enquiry; at year's end, they had not resumed.

There are credible reports that police throughout the country often do not file required arrest reports. As a result, there are hundreds of unsolved disappearances in which relatives claim that an individual was taken into police custody and never heard from again. Police usually deny these claims, countering that there are no records of arrest. In Manipur 14-year-old Yumlembam Sanamacha of Thoubal district has been missing since his arrest by soldiers on February 12, 1998. The army reportedly detained him because of his alleged links with insurgent groups. The All-Manipur Students' Union petitioned the Guwahati High Court for Sanamacha's release. The Court ordered the army to produce the boy, but it failed to do so and

his whereabouts remain unknown. On May 5, police in Siliguri, West Bengal, arrested 14-year-old Pinter Yadav and his 9-year-old cousin. According to local human rights monitors, the boys were beaten, and when Pinter began to vomit blood he was taken to a local police station. He has not been seen since, and efforts by family members to petition police for information were unsuccessful.

Militants in Jammu and Kashmir and the northeast continued to use kidnapings to sow terror, seek the release of detained comrades, and extort funds. Sometimes kidnaped persons later were killed (see Sections 1.a. and 1.g.). According to government figures, there were 634 kidnapings in the northeast during the year. There were no new developments in the case of the 1995 kidnapings of American, British, German, and Norwegian nationals, despite police cooperation with foreign diplomats.

On July 14, suspected NLFT militants killed Amar Pal, a CPM leader, and abducted his nephew in Dhanlekha village in south Tripura (see Section 1.a.). On July 31, a Jalpaiguri tea garden owner was kidnaped in Assam. On August 3, a group of eight rebels reportedly belonging to the Isac-Muivah faction of NSCN–IM and Mizoram's tribal Hmar People's Conference (HPC) kidnaped Goutam Roy and Hitesh Puri, both senior tea executives. On August 4, a gang of five militants, suspected of being members of NSCN–IM and the Assam-based Muslim United Liberation Tigers (MULT), kidnaped Debojyoti Sharma, another tea executive and demanded ransom, to fund their activities. The kidnap victims later were released. In August militants belonging to the Isac-Muivah faction of the NSCN–IM and Mizoram's tribal Hmar People's Conference (HPC) killed at least one person during a spree of abductions (see Section 1.a.).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture, and confessions extracted by force are generally inadmissible in court; however, torture is common throughout the country, and authorities often use torture during interrogations. In other instances, they torture detainees to extort money and sometimes as summary punishment.

In 1997 the U.N. Special Rapporteur on Torture reported that the security forces systematically practice torture against persons in Jammu and Kashmir in order to coerce them to confess to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information is not made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

On April 14, 1996, Mohammad Iqbal was arrested by soldiers of the Rashtriya Rifles and taken to Chhatru Camp, near Kishtwar, Jammu and Kashmir. His body, bearing marks of torture, was discovered in the nearby Chhatru river soon thereafter; no one has been charged in the case. According to local human rights organizations, on November 3, 1995, Banihal police station officers arrested Ayaz Ahmad Wani of Bankoot village, Banihal, and tortured him there and in the jail at Ramban for 5 days. On November 8, 1995, police brought the youth to a hospital in Ramban with marks indicating torture on his arms, hands, face, and genitals. He was transferred to the government medical college in Jammu, where he died of his injuries on November 9, 1995. An autopsy revealed that he had suffered injuries to his kidneys, heart, and stomach and that his wrists and feet were broken. The father of the victim filed a complaint with the NHRC, and on July 18, 1998, the case was referred to police for investigation. There was no further progress in the case by year's end. Human rights monitors maintain that there is a similar pattern of abuse by security forces in the northeast. Police atrocities against indigenous people include torture (see Section 5).

The U.N. Special Rapporteur on Torture noted in 1997 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 die in custody, and others are afraid to speak out, there are few firsthand accounts, although marks of torture often have been found on the bodies of deceased detainees. The U.N. Special Rapporteurs on Torture and on Extrajudicial Killings renewed their requests to visit during the year, but the Government did not permit them to do so (see Section 4).

The prevalence of torture by police in detention facilities throughout the country is borne out by the number of cases of deaths in police custody (see Section 1.a.). Delhi's Tihar jail is notorious for the mistreatment of prisoners, with 1 of every 11 custodial deaths occurring there. Police and jailers typically assault new prisoners for money and personal articles. In addition police commonly torture detainees during custodial interrogation. Although police officers are subject to prosecution for such offenses under Section 302 of the Penal Code, the Government often fails to hold them accountable. Two kidnaping suspects allege that police tortured them while in detention in a Calcutta prison in November; the Home Minister denied that

the boys were subjected to anything other than routine interrogation. The family of one of them asked the NHRC to investigate the allegation; at year's end, it still was under investigation. According to human rights groups, in May the Andhra Pradesh police tortured three students who were suspected of having links with the PWG; two persons died (see Section 1.a.). In another incident, police tortured six farmers in a village in Adilabad district in April (see Section 1.a.). According to human rights NGO's, on September 18, police beat Devinder Singh, Sapinder Singh, and Karnail Singh, three Sikh brothers, in a police courtyard in Punjab, apparently to extort a confession from them that they possessed an assault rifle. Allegedly, their legs were pulled open to 180 degrees, gasoline was applied to their genitals, and they were beaten badly. Devinder Singh allegedly died as result of his injuries (see Section 1.a.).

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (see Sections 6.c. and 6.f.).

The U.N. Special Rapporteur on Torture stated in 1997 that, in Jammu and Kashmir, torture victims or their relatives reportedly have had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition the Armed Forces (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 reportedly allows the security forces to act with virtual impunity.

There also were incidents in which police beat journalists (see Section 2.a.) and demonstrators (see Section 2.b.). Police also committed abuses against tribal people (see Section 5).

The rape of persons in custody is part of the broader pattern of custodial abuse. Limits placed on the arrest, search, and police custody of women appear effectively to limit the frequency of rape in custody, although it does occur on occasion. The NHRC received reports of only three cases of custodial rape between April 1, 1996, and March 31, 1997. The 24-hour reporting requirement applies to custodial rape as well as custodial death. However, the requirement does not apply to rape by policemen outside police stations. NGO's claim that rape by police, including custodial rape, is more common than NHRC figures indicate. Although evidence is lacking, a larger number appears credible, in light of other evidence of abusive behavior by police and the likelihood that many rapes go unreported due to a sense of shame and a fear of retribution. In Gujarat a police constable in Vadodara is facing charges in connection with the rape of a woman while in custody.

There is 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 is not included in NHRC statistics because it involves military forces.

Human rights monitors allege that army personnel summoned a woman and her four daughters from Mangota village, Doda district, Jammu and Kashmir, to a nearby camp on March 15, where the women were held captive for 4 days and repeatedly raped. The victims filed a complaint with Doda police naming Charanjit Sharma, the officer in charge of the camp, as one of their assailants (see Section 1.g.).

In addition to the 888 complaints of custodial death (700 in judicial custody and 188 in police custody) and 3 cases of custodial rape received by the NHRC between April 1, 1996, and March 31, 1997, 1,643 complaints of other police excesses were filed with the NHRC. As a result of NHRC action during this period, criminal prosecutions were brought against 144 police officials and 23 civilians and monetary compensation in amounts ranging from $1,250 (54,375 rupees) to $3,750 (163,125 rupees) were recommended for payment in 55 cases. In its annual report for the period, the NHRC remarked that over half of the more than 20,000 complaints that it received "relate to the conduct of the police."

Police corruption undermines efforts to combat trafficking in women and children (see Section 6.f.).

During the year Human Rights Watch published a report that asserted that the Maharashtra government was complicit with the Dabhol Power Corporation (a joint venture of the Enron Corporation, General Electric, and Bechtel) in numerous human rights abuses. According to HRW, the Maharashtra government also engaged in a systematic pattern of suppression of freedom of expression and peaceful assembly coupled with arbitrary detentions, excessive use of force, and threats.

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (see Section 5).

Some militants groups in the northeast use rape as a tactic to terrorize the populace (see Section 5).

Prison conditions are poor. Prisons are severely overcrowded, and the provision of food and medical care is frequently inadequate.

Prisons operate above capacity, because of thousands of prisoners awaiting hearings. For example, in West Bengal, Sheikh Feku, an alleged thief, was released from jail in mid-June after having been in jail for 3 years awaiting trial. Overcrowding in jails also is severe. Delhi's Tihar jail, with a designed capacity of 3,300 persons, houses 9,000 prisoners. The inspector general of prisons for Karnataka said in June that Mysore jail, designed to hold 350 inmates, holds 850 persons, and that Bangalore jail, built for 700 persons, holds 2,500 inmates. According to the inspector general of prisons, water supply and sanitation systems in both facilities are in disrepair and medical facilities are nonexistent, with the result that prisoners must be taken to government medical institutions for health checks. The states are waiting for a national jail manual to facilitate reform; however, aside from providing financial aid to the states, the central Government has not initiated any standard reforms. The Prison Act of 1894 remains unamended. According to the South Asia Human Rights Documentation Center, in the poorest states, such as Bihar, where 265 police stations have no lock-up facilities, the lack of prisons led police to shackle prisoners to trees. An NHRC investigatory team visiting Meerut jail in Uttar Pradesh in 1998 found some 3,000 inmates in a facility designed to hold 650 persons. As a result of this and other jail visits, the NHRC hired a consultant to draft the prison reform bill to be submitted to the Government. The bill, meant to be enacted by the national Parliament, encountered opposition from state governments on the basis that prison management is the responsibility of the states. The 700 deaths in judicial custody in 1998, occurring in a prison population of approximately 155,000, many of whom are held for years, include a large proportion of deaths from natural causes, in some cases aggravated by poor conditions in prisons (see Section 1.a.). Deaths in police custody, which typically occur within hours or days of initial detention, more clearly imply violent abuse. The NHRC has no authority to investigate abuses by security forces directly, and security forces in Jammu and Kashmir and the northeast are not required to report custodial deaths to the Commission.

With the exception of an agreement with the ICRC for visits to detention facilities in Jammu and Kashmir, the Government does not allow NGO's to monitor prison conditions (see Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provide evidence of growing public awareness of the problem. The NHRC has identified torture and deaths in detention as one of its priority concerns. In 1998 it created a "Special Rapporteur and Chief Coordinator of Custodial Justice" to help implement its directive to state prison authorities to ensure that medical check-ups are performed on all inmates. The Commission noted that there is an alarmingly high incidence of tuberculosis among inmates and that, according to one study, this was the cause of 79 percent of deaths in judicial custody.

d. *Arbitrary Arrest, Detention, or Exile.*—During the early 1980's, the Government implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgency, and there were credible reports of widespread arbitrary arrest and detention under these laws.

Although the law that had been subject to the most extensive abuse, the TADA, lapsed in May 1995, 1,502 persons previously arrested under the act continued to be held as of January 1, 1997, in a number of states, according to the NHRC's most recent report. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In 1997 the Government asserted that all the TADA cases would be reviewed. However, few persons have been released as a result of the review. Criminal cases are proceeding against most of those still held under the TADA, with more than 3,000 charged under other laws in addition to the TADA. In 1996 the Supreme Court eased bail guidelines for persons accused under TADA, taking into account the large backlog of cases in special TADA courts. On March 23, the state minister for home affairs told the Jammu and Kashmir state assembly that 16,620 persons had been detained under the TADA in the state since 1990; of these, 1,640 were brought to trial, and 10 were convicted. TADA courts use abridged procedures. For example, defense counsel is not permitted to see witnesses for the prosecution, who are kept behind screens while testifying in court. Also, confessions extracted under duress are admissible as evidence.

On May 10, the Tamil Nadu government withdrew the "Prevention of Terrorist Activities Act," which attempted to resurrect provisions of the lapsed TADA. Passed by the Tamil Nadu state assembly in May 1998 following a series of terrorist bombings in Coimbatore, the bill was never signed into law. Similar bills are pending in the Madhya Pradesh and Andhra Pradesh state assemblies. If enacted they would provide 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.

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. An accused person must be informed of his right to bail at the time of arrest and may, unless he is 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.

The Constitution permits preventive detention laws in the event of threats to public order and national security. These laws provide for limits on the length of detention and for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) of 1980 permits the detention of persons considered to be security risks; police anywhere in the country (except 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 a year on loosely defined security grounds. 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). According to the Government, 1,163 persons were being held under the NSA at the end of 1997. The NSA does not define "security risk." Human rights groups allege that preventive detention can be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. Such a subjective decision cannot be overturned by any court.

The Jammu and Kashmir Public Safety Act (PSA) of 1978 covers corresponding procedures for that state. Over half of the detainees in Jammu and Kashmir are held under the PSA. Jammu and Kashmir police reported that 514 persons were being held under the PSA as of December 31, 1998. In September and November alone, the Jammu and Kashmir police arrested 25 members of the Kashmiri separatist All Parties Hurriyat Conference (APHC). These arrests followed a series of terrorist attacks in the state for which members of this group allegedly were responsible (see Sections 1.a., 1.g., and 4). On October 8, Chief Minister Farooq Abdullah told a public audience that because Hurriyat leaders had planted land mines, buried hand grenades, and used violence to sabotage the polls, "We are going to be very harsh and I am sending them to the places where they will see no hope." Hurriyat leaders were sent to Jodhpur jail for 3 years. Although prison officials denied the APHC members legal counsel on October 13, they subsequently granted access on October 27. On November 15, legal counsel filed a writ petition in the Kashmir High Court that challenged the constitutionality and reasonableness of the PSA. The petition also questioned the legality of the decision to shift the APHC leaders out of the state. In late October Governor Girjesh Saxena told a foreign delegation that the state government had sufficient grounds to detain the leaders, but lacked enough evidence to convict them. The NHRC was asked to take action on the case. In December Shabir Shah, president of the Jammu and Kashmir Democratic Freedom Party, was released. At the time of Shah's release, Amnesty International issued a statement that expressed concern about the 25 arrested leaders of the APHC and explicitly suggested that the charges were politically motivated.

On November 27, 1997, the Supreme Court upheld the constitutional validity of the Armed Forces Special Powers Act (AFSPA) of 1958. 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 pose a grave threat to the fundamental rights and liberties of the citizenry of the (disturbed) areas covered by the act." The SAHRDC asserted that the powers granted to authorities under section 3 of the act to declare any area to be a "disturbed area," and thus subject to the other provisions of the act, were too wide. Moreover, the SAHRDC noted that section 4(a) of the act empowers 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 believes that it is necessary for the maintenance of law and order. Further, section 6 of 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 court system is extremely overloaded, resulting in the detention of numerous persons awaiting trial for periods longer than they would receive if convicted. Prisoners may be held for months or even years before obtaining a trial date. According to a reply to a parliamentary question in July 1994, more than 111,000 criminal cases were pending in the Allahabad High Court, the most serious case backlog in the country, of which nearly 29,000 cases had been pending for 5 to 8 years. A statement to Parliament in July 1996 indicated that criminal and civil cases pending before the country's high courts numbered nearly 2.9 million in 1995, roughly the same as in 1994 but an increase from 2.65 million in 1993. According to the Union Home Ministry, the total number of civil and criminal cases pending for 3 or more years in all courts throughout the country was 5,116,895 on December 31, 1998. In its most recent report, the NHRC reported that nearly 80 percent of all prisoners held between April 1996, and March 1997, were so-called "under-trials," i.e., unconvicted remand prisoners awaiting the start or conclusion of their trials. In March 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. For example, the chairman stated that only 10 to 15 percent of inmates in Delhi's Tihar jail are convicts; the rest are remand prisoners awaiting trial. The NHRC conducted a campaign to release remand prisoners awaiting trial for bailable offenses, but who are unable to afford bail. Through its efforts during the year, 200 such prisoners were released from Delhi's Tihar jail, 100 from jails in Punjab, and 319 from jails in Tamil Nadu.

In June 1997, Rongthong Kunley Dorji, a Bhutanese dissident, was placed in judicial custody pending review of an extradition request from the Government of Bhutan on charges that included political offenses as well as financial malfeasance. On June 12, 1998, Dorji was released on bail following the New Delhi High Court's decision to deny a government appeal and let stand a lower court's order to grant bail in the case. Dorji still awaits conclusion of his extradition hearing.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—There is an independent judiciary with strong constitutional safeguards. 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 can serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

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.

When legal procedures function normally, they generally assure a fair trial, but the process is often drawn out and inaccessible to the poor. Defendants have the right to choose counsel from a bar that is fully independent of the government. There are effective channels for appeal at most levels of the judicial system.

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.

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, with the result that personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functions 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 there are reluctant to hear cases involving terrorist crimes and fail to act expeditiously on habeas corpus cases, if they act at all. Similar to 1998, there were a few convictions of alleged terrorists in the Jammu high court during the year. Many more accused militants have been in pretrial detention for years (see Section 1.d.).

Criminal gangs in all four southern states have been known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons have been attacked while being escorted by

police to the courts. In July an accused person was killed in Kerala in an explosion triggered as he passed by with a police escort.

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) searches, interrogates, and arrests thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicts very few persons. In 1997 only 28 persons out of thousands arrested were convicted, according to the Times of India.

The Indian 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.

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Government forces continue to commit serious violations of humanitarian law in the disputed state of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces are deployed in Jammu and Kashmir. The Muslim majority population in the Kashmir valley suffers 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, both passed in July 1990, security forces personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace and to destroy structures suspected of harboring militants or arms.

Civilian deaths caused by security forces appeared to diminish for the sixth consecutive year in Jammu and Kashmir, although final statistics for 1999 were not available at year's end. This decrease apparently is due to press scrutiny and public criticism of abuses in previous years, the increased training of military and paramilitary forces in humanitarian law, and a greater respect by commanders for the rule of law. The improvement has taken the form of increased discipline and care in avoiding collateral civilian injuries and deaths (i.e., deaths in crossfire). The Union Home Ministry was unable to report how many such deaths occurred during the year but reported that 84 such deaths occurred in Jammu and Kashmir in 1996–1997. The security forces have not ceased to abduct and extrajudicially execute suspected militants, nor have they accepted accountability for these abuses. However, many commanders' inclination to distance their units from such practices has led to reduced participation in them and a transfer of some of such actions to government-supported countermilitants.

According to Kashmiri human rights groups and press reports, on May 9 the police in Srinagar retaliated for the murder of one of their colleagues by attacking civilians in the crowded residential and commercial area of the city where the original incident occurred. Police allegedly cordoned off the area and beat residents, including members of a wedding party. Human rights groups state that members of the Rashtriya Rifles entered the village of Chak Doodipora, Handwara district, Jammu and Kashmir, on April 18 during a search operation. The soldiers allegedly beat some 2 dozen residents, including women and children, leaving 12 of them seriously injured. On May 12, a group of suspected countermilitants invaded the home of a 40-year-old Kupwara college lecturer, murdering him, his wife, his sister-in-law, and his 3-year-old daughter. According to credible reports, in addition to harassment during searches and arbitrary arrests (see Section 1.d.) security forces abduct and sometimes use civilians as human shields in night patrolling and searching for land mines; the abuses so far have occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly have been underreported greatly.

The spring and summer incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control around Kargil in the state of Jammu and Kashmir and the Indian military campaign to repel the intrusion left 524 Indian soldiers dead and 1,363 wounded, according to December 1 statistics by Defense Minister George Fernandes. Earlier Government figures stated that 696 Pakistani soldiers were killed. A senior Pakistani police official estimated that approximately 40 civilians were killed on the Pakistani side of the line of control. However, additional official Pakistani Government statistics regarding the conflict were not available at year's end. There was some use of torture during the conflict. On June 10, the Pakistan army returned the bodies of six Indian soldiers, which bore evidence of severe torture; however, the ICRC declined an invitation to conduct an autopsy.

The fighting also caused some civilian deaths and the internal displacement of as many as 50,000 neighboring residents (see Section 2.d.).

The Kargil conflict resulted in an increased counterinsurgency campaign, often with repressive offensive measures. According to a credible government source, as of early December over 450 militants were killed since the Kargil conflict began. Another credible government source said that offensive operations after the Kargil affair yielded 12 to 17 dead militants per day—that the army and paramilitary Rashtriya Rifles were carrying out major bombing operations with heavy weapons in both the northern and southern Kashmir valley.

On September 24, seven persons were killed when police in Surat opened fire on a crowd that insisted on changing the parade route of a religious idol through the town. Reportedly, police, fearing an outbreak of communal violence, prevented the Hindu gathering from parading through a Muslim neighborhood past a prominent mosque. When the use of tear gas failed to quell the increasingly restive crowd, police resorted to firing weapons, according to press accounts. State authorities ordered an inquiry into the shooting (see Section 5).

Kashmiri militant groups also committed serious abuses. 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 are not Indian citizens, but are Afghani, Pakistani, and other nationalities. Over the last decade, they have made liberal use of time-delayed explosives, land mines, grenades, and snipers. In the fall there was a significant upsurge in militant violence towards security forces, and a tendency to use heavy weapons such as grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property. On July 24, militants fired rockets at a Central Reserve Police Force (CRPF) picket in Doda district, killing one CRPF policeman. On August 6, militants fired rockets at a Rashtriya Rifles camp in Kupwara district; five army troops and six militants were killed, and three soldiers were wounded in the exchange. On August 7, militants ambushed the convoy of a Rashtriya Rifles colonel in Kupwara district, killing four soldiers; in four separate rocket attacks against police and Rastriya Rifles positions in Kupwara, Chadora, Poonch, and Rajouri districts, militants killed two BSF members and injured seven persons. On August 13, a rocket attack on a Rastriya Rifles checkpost in Badgam district killed two soldiers and two militants. On August 14, in six separate but coordinated rocket and small arms attacks on Rastriya Rifles positions in Kupwara district, militants killed eight army personnel and injured 15 persons. On August 12, two marine commandos were killed near Bandipur, Baramula district, Jammu and Kashmir, when militants detonated a roadside bomb as the marines' vehicle passed. On September 29, a grenade attack on the Civil Secretariat in Srinagar killed one policeman and one civilian. On October 28, two coordinated rocket-propelled grenade attacks against the civil secretariat and a Border Security Post in Srinagar killed 4 persons and injured 20 others. On November 9, militants killed six persons during a grenade attack on an army position in Gandherbal. In addition militants made numerous other attacks and killed and injured many other persons.

On November 11, a bomb blast aboard a Jammu-Delhi train killed 14 persons and injured 12 others; no group claimed responsibility.

During the period of increased attacks against security forces (see Section 1.a.), there was a parallel decline in massacres of unarmed civilians; nevertheless, such attacks continued. Militants carried out several execution-style mass murders of Hindu (Pandit) villagers in Jammu and Kashmir (see Section 5). On February 20, Kashmiri militants killed 20 villagers, including 6 women, 1 girl, and several members of a wedding party, in 3 coordinated attacks on villages in Udhampur and Rajouri districts of the Jammu region (see Section 1.a.). The army stated that the Pakistan-based Lashkar-e-Toiba militant group was responsible for the killings, although the army killed the only two militants identified in the case. Between June 28 and July 1, militants killed 36 civilians in Jammu and Kashmir. On June 28, 15 Muslims of 2 families, including 7 children and 3 women, were shot and killed by militants in Poonch district. On June 29, unidentified assailants shot and killed 12 male Hindu laborers in a village near Anantnag in the Kashmir valley; the workers were separated from their wives and children before being summarily executed. On July 1, nine members of two Hindu families, including three women and a child, were murdered by militants in Poonch district, near the site of the June 28 killings. On July 20, some 20 militants entered 2 houses in Doda district and opened fire with automatic weapons, killing over 15 Hindu persons (see Sections 1.a. and 5).

Also on July 20, in the Poonch district of Jammu region, militants killed four members of a government road engineering group who are believed to have been migrant Hindu laborers from Bihar. Most officials cited militant anger at the BJP Gov-

ernment over the Pakistani withdrawal from Kargil as the principal reason for the attacks.

Extremist and terrorist activities in the northeast claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges, laying time bombs on roads and railway tracks, and in one instance, detonating a bomb in a busy railway station. On April 27, five persons, including three Border Security Force personnel, were killed when the ULFA blew up their vehicle in Barpeta district, Assam. On June 22, a bomb exploded in the new Jailpurgiri railway station in Siliguri, West Bengal, killing 9 persons and seriously injuring 65 others; those persons responsible for the bombing were not identified. Six policemen and a home guard were killed on June 29 when suspected Bodo Liberation Tigers Force (BLTF) militants blew up two police cars using a remote-controlled device. On April 15, Naxalite militants ambushed the vehicle of a Congress Party politician, Sripada Rao, in Karimnagar, Andhra Pradesh, killing him on the spot. As part of a series of Naxalite political killings (see Section 1.a.), on September 13, a bomb attack killed five policemen at a police station in Papannapet, Andhra Pradesh.

Nearly 100 persons were killed in election-related violence throughout the country in September and October (see Section 3). On September 7, in the Anantnag district of Kashmir, Ghulam Hyder Noorani, a BJP parliamentary candidate, was killed by a remote-detonated land mine, along with two bodyguards. On September 9, militants threw a hand grenade into a jeep, injuring 11 BJP activists and 2 policemen. Numerous Hurriyat leaders, who were suspected of the attacks, later were arrested (see Section 1.d.). Militant groups in the northeast states of Assam, Tripura, and Manipur, killed persons prior to the election and fired on polling places and security forces deployed for the voting. Approximately 15 civilians and 14 security force members were killed in the northeast as a result of election violence. In Tripura the NLFT also used land mines, and the NFLT shot and killed numerous civilians (see Section 5). Violence also marred the elections in Bihar. On September 18, in the first phase of polling for the Lok Sabha elections in Bihar, extremists from the Maoist Communist Center and the People's War, set up land mines in four of the constituencies on routes leading to polling booths. In Palamau a land mine blew up a truck carrying police personnel. Near Barhi, Hazaribagh, nine persons were killed in two bomb incidents (see Sections 1.a. and 3).

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there are some limitations. A vigorous press reflects a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly publish investigative reports and allegations of government wrongdoing, and the press generally champions human rights and criticizes perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories; however, the Government sometimes interprets this broadly to suppress criticism of its policies. Human rights monitors state that government pressure caused one national English-language daily to suppress some stories and to transfer a reporter in 1998. The 1971 Newspapers Incitements to Offenses Act remains in effect in Jammu and Kashmir. Under the act, a district magistrate may prohibit the press from publishing material resulting in "incitement to murder" or "any act of violence." As punishment the act stipulates that the authorities may seize newspapers and printing presses. Despite these restrictions, newspapers in Srinagar regularly publish militant press releases attacking the Government and report in detail on alleged human rights abuses. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with militant leaders and filed reports on government abuses. For a week in June, during the confrontation between Indian forces and Pakistan-backed forces in the Kargil region of Jammu and Kashmir (see Section 1.g.), journalists were barred from traveling to the immediate area of the fighting. However, the Government allowed the acts of violence that occurred in Jammu and Kashmir during the September and October elections (see Sections 1.g. and 4) to receive wide coverage. In contrast, during the 1996 and 1998 elections, the state government banned the publication of any material aimed at intimidating the electorate.

In May the NHRC directed the Punjab police to submit a report on a complaint filed by journalist and author Harinder Singh alleging that police tortured him.

Singh is the author of a novel called "Vanity Incarnate," which is controversial in Punjab because of its portrayal of Sikh gurus. In his complaint, Singh alleged that after receiving several death threats he went to police seeking protection. Shortly thereafter, police allegedly took Singh from his residence, assaulted him, and subjected him to electric shocks. According to the complaint, police held Singh for 20 weeks during which time he continuously was tortured. After being released on bail on April 21, Singh filed a complaint against police in the Punjab and Haryana High Court. Also in Punjab, the NHRC in July 1998 called for a CBI investigation into the 1992 abduction of journalist Avtar Singh Mander, who has not been seen since his disappearance in Jalandhar. Witnesses allege that police officials picked up Mander, a charge the police deny. A May 1994 investigation by Punjab state authorities found that Mander had not been taken into custody, and no further effort was made by authorities to trace his whereabouts.

In Assam the state government has attempted to impede criticism by filing a number of "criminal defamation" charges against journalists. Police beat Prakash Mahanta, a reporter for the Assamese-language daily Natoon Samoy, at his home, then arrested and detained him at Nagaon state police station in 1998. Press freedom campaigners allege that Mahanta's "crime" was to write an article detailing alleged campaign irregularities by the wife of Assam chief minister Prafulla Kumar Mahanta. According to news reports, the chief minister denied the charge and said that Prakash Mahanta had been involved in "anti-national" activities. According to human rights activists, Mahanta was released and never convicted. In the beginning of the year, the editor of the Assamese daily Assam Pratidin was arrested and charged.

In October 1998, the Manipur government announced curbs on the publication of insurgency-related news. The publication of insurgent's press releases, public invitations to slain militants' funerals, and calls to boycott Republic Day and Independence Day functions were prohibited. Penalties for violating the prohibition included arrest and criminal prosecution of newspaper owners and editors and cancellation of newspapers' registration. These restrictions continued during the year.

The Press Council of India 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 not publishing articles or details that might incite caste or communal violence. The Council publicly criticizes newspapers or journalists it believes have broken the code of conduct, but its findings, while noted by the press community, carry no legal weight.

National television and radio, which are government monopolies, frequently are accused of having a strong pro-Government bias. However, international satellite television is widely distributed in middle class neighborhoods by cable and gradually is eroding the Government's monopoly on television.

The Government maintains a list of banned books that cannot be imported or sold in the country; some—like Salman Rushdie's "Satanic Verses"—because they contain material government sponsors have deemed inflammatory.

A government censorship board reviews films before licensing them for distribution. The board deletes material deemed offensive to public morals or communal sentiment. Producers of video news magazines also must submit their products to the board, which occasionally censors stories that portray the Government in an unfavorable light. The board's rulings may be appealed and overturned. In March the Maharashtra government censored the film "Fire," charging that its depiction of a lesbian relationship offended morals. The decision came after members of the Hindu fundamentalist Shiv Sena political party ransacked the theater in which the film was being shown. The film was not censored in any other state; Shiv Sainiks similarly ransacked a theater showing the film in Delhi.

Intimidation by militant groups results in a good deal of self-censorship. Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities. In August militants just outside Srinagar fired on a television camera crew. Kashmiri militants attempted to halt cable television broadcasts in the Kashmir valley during the year, claiming that they contained "un-Islamic" programming. In a concerted year-long campaign, militants of the Harkat-Ul-Ansar terrorist group threatened and targeted cable operators in Kashmir with violence. For example, on December 1 suspected HUA militants hurled a grenade at a cable operator's shop in Srinagar, injuring three persons. Earlier in the year, militants fired at a cable operator in Bemina, injuring two persons, and bombed a cable shop in Zakura, injuring three persons.

In July political parties in favor of the building of the Sardar Sarovar dam across the Narmada river burned copies of the book "The Greater Common Good," by nov-

elist Arundhati Roy, which discusses the socio-environmental costs of the Narmada project (see Section 2.d.). Facing threats from the youth wings of the BJP and the Congress party, bookstores in Ahmedabad, Gujurat, also began to remove the book from their shelves.

Citizens enjoy complete academic freedom, and students and faculty espouse a wide range of views. In addition to 10 national universities and about 160 state universities, states are 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 require permits and notification prior to holding parades or demonstrations, but local governments ordinarily respect the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely are 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.

Srinagar and other parts of Jammu and Kashmir occasionally came under curfew but more often were affected by strikes called by militants.

On June 11, police killed 4 fishworkers and injured 13 others when they opened fire on an anti-shrimp culture protest organized by the NGO Chilika Matsyajibi Mahasangh in Orissa.

In July 17 persons drowned in a river in Tirunelveli, Tamil Nadu when thousands of demonstrators ran to escape a police beating. The demonstrators were demanding government intervention in a labor dispute at a local tea estate and the release of 652 estate workers who had been imprisoned after a previous demonstration (see Section 1.a.).

Beginning at midyear, the Government implemented a new requirement that NGO's secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contend that the new requirement provides the Government with substantial political control of the work of NGO's and is an abridgement of their freedom of assembly and association. In July three foreign nationals were denied visas to attend an annual conference on building civil society; the conference was sponsored by a foreign university and held in Bangalore. The organizers decided to disregard the ban and hold it anyway. On the eve of the event, the Australian chair of the IALC was detained briefly, but the conference nevertheless was held and the police did not detain anyone else.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

c. *Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. India is a secular state in which all faiths generally enjoy freedom of worship; Government policy does not favor any religious group. However, tension between Muslims and Hindus, and to a lesser extent between Hindus and Christians, continues to pose a challenge to the secular foundation of the State (see Section 5). In addition governments at state and local levels only partially respect religious freedom.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion.

There are many religions and a large variety of denominations, groups, and subgroups in the country, but Hinduism is the dominant religion. According to 1998 government statistics, Hindus constitute 82.4 percent of the population, Muslims 12.7 percent, Christians 2.3 percent, Sikhs 2.0 percent, Buddhists 0.7 percent, Jains 0.4 percent, and others, including Parsis, Jews, and Baha'is, 0.4 percent.

The Religious Institutions (Prevention of Misuse) Act makes it an offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes.

The current legal system accommodates minority religions' personal status laws; there are 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 governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminate against women. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. Under the Indian Divorce Act of 1869, a Christian woman may demand divorce only in the case of spousal abuse and in the case of certain categories of adultery; for a Christian man, adultery alone is sufficient. In May 1997, the Mumbai High Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce.

No national law bars proselytizing by Indian Christians. Foreign missionaries generally can renew their visas, but since the mid-1960's the Government has refused to admit new resident foreign missionaries. New arrivals currently enter as tourists on short-term visas. During the year, as in the past, state officials refused to issue permits for foreign Christian missionaries to enter some northeastern states. In March several declared missionaries reported that the Government had instituted a policy of not renewing missionaries' visas. Renewal had been routine until the institution of this new policy. The policy is being applied unevenly, as at least one Christian missionary succeeded in obtaining an extension as late as the fall of 1998. 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 is empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition. There is no ban on professing or propagating religious beliefs, but speaking publicly against other beliefs is considered dangerous to public order, and is prohibited.

In September the Union Home Ministry, after declining to extend his visa, ordered a 57-year-old American priest to leave the country. Father Anthony Raymond Ceresko, a teacher at a seminary in Bangalore, entered the country in 1991 and had been able to renew his residence permit every year since until this year. Ceresko left the country on September 17.

In early February, following a series of attacks on Christians, the office of the director general of police in Gujarat reportedly sent a circular instructing district officials to collect information about Christians, including the number of missionaries, their funding sources, and the "tricks" they used to convert persons. After public criticism of the census, the government of Gujarat stated that it was being conducted to assist in the protection of Christians and later expanded it to cover Hindus as well. However, Christians obtained a court order barring the census. On March 2, the government of Gujarat withdrew the effort. However, in December the United Christian Forum for Human Rights and its convener, John Dayal, expressed concern to the press about a "survey" of Christian institutions and missionaries allegedly being conducted by the Delhi police. Dayal said that police had been asking the principals of Christian schools, the heads of Christian-affiliated hospitals, and individuals about their background and funding sources. Those persons questioned reportedly were asked to fill out a form ordinarily reserved to take the written statements of suspected criminals. The Forum complained that "such surveys tend to intimidate the sisters, priests, and individuals."

While the law is meant to protect religious freedom, enforcement of the law has been poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances has abridged the right to religious freedom. In particular, Hindu extremist groups continued to attack Christians. In many cases, the government response was inadequate, consisting largely of statements criticizing the violence against Christians but with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (see Section 5). Throughout the year, the Government generally described the violence and attacks as a series of isolated local phenomena, in some states calling for a national debate on conversions, which Hindus had advocated being banned. On February 19, Muslim imams and Members of Parliament joined Christian leaders to rally against the Prime Minister's call for a debate on conversions and to criticize the BJP's slow response to attacks against Christians. In August a bill was introduced in Gujarat that would allow harsh punishment to be meted out to anyone in the state found guilty of converting someone to another religion through use of force, provision on material benefits, or fraud. Human rights groups fear that if passed the bill—called the Gujarat Freedom of Religion Bill, 1999—could be used to restrict the fundamental right to chose one's religion. At year's end, the bill was still up for legislative review.

In 1998 and early 1999 there was an unusual and serious outbreak of societal violence against Christians, apparently sparked by rumors of "forced conversions" of Hindus to Christianity (see Section 5). The Government reacted with statements criticizing the violence against Christians, but efforts to prevent such incidents from occurring and to prosecute those responsible at the state and local levels were inadequate. In early 1999, the Government described the violence as a series of isolated local phenomena. The Prime Minister on January 4 pledged not to tolerate any further violence against Christians. In early January, the state government of Gujarat increased police protection for Christians in the Dangs district, but stated that the press had blown the recent incidents of violence against Christians out of proportion. On January 10, Prime Minister Vajpayee visited the Dangs district in Gujarat. However, The positive effect of this gesture was mitigated by the presence in his

entourage of Hindu Jagaran Manch president Janubhai Pawar, who had been arrested in connection with violence against Christians that occurred on December 25, 1998. While in Gujarat, Vajpayee called for a national debate on conversions, which some Hindu groups had requested be banned. During the same month, Home Minister L.K. Advani called for a thorough study to determine by how much the Christian population in the Dangs area had grown in the last 10 years and what factors had led to violence and anger over alleged "forced conversions." On January 26, President Narayanan made a televised plea for religious tolerance. On January 30, the anniversary of the death of Mahatma Gandhi, Prime Minister Vajpayee criticized the recent attacks, called for religious tolerance, and announced that he would start a fast to protest the recent violence against Christians and against low caste Hindus by higher caste Hindus in Bihar. Also on January 30, Madan Lal Khurana, Minister of Public Affairs and Tourism, who had been critical of the Government's handling of the recent attacks, resigned. He claimed that he had been silenced when he tried to criticize Hindu militants who made anti-Christian statements. In early 1999 the district superintendent of police and the district collector were transferred out of the Dangs district, and the governor of Gujarat was shifted to another state.

On occasion, Hindu-Muslim violence led to killings and a cycle of retaliation. In some instances, local police and government officials abetted the violence, and at times security forces were responsible for abuses. Police on occasion accompanied Hindu fundamentalists who were responsible for violence (see Section 5). Government officials allegedly also place bureaucratic roadblocks in front of Christian-affiliated foreign relief organizations, many of which are not engaged in religious activities (see Section 4). In a few instances, state governments investigated and sometimes arrested suspects in cases of anti-Christian violence. For example, after an Australian missionary was murdered in Orissa (see Section 5), several suspects were arrested. In another instance, the Tamil Nadu government ordered the police to investigate a series of church burnings (see Section 5); however, no one had been arrested at year's end. In general government response has been poor with respect to such incidences.

In August the central Home Ministry banned the Biennial Meeting of the International Anglican Liturgical Consultation (IALC) in Kottayam, Kerala.

On January 7, the National Commission for Minorities (NCM), a quasi-governmental body established in 1992 to protect the rights of religious minorities, sent a team to Gujarat to depose witnesses and evaluate the Government's response to the recent violence against Christians. The government of Gujarat reportedly tried to stall the efforts of the team. The NCM released a report on January 31, which was critical of the Government's response to the occurrences, stating that "the communal situation in Gujarat is serious and of alarming dimensions and there is a pressing need to take extraordinary steps to prevent it from flaring up further and spreading to other parts of the country." The NCM urged the central Government to invoke Article 355 of the Constitution, which would empower the central Government to "give direction" to a state government to ensure compliance with federal laws, on the grounds that the government of Gujarat had failed to take adequate measures to check the violence against minorities. The recommendation was not accepted. On January 13, the NCM chairman, Professor Tahir Mahmood, said that the NCM had recommended that Hindus be declared minorities in 5 states—Jammu and Kashmir, Punjab, Meghalaya, Mizoram, and Nagaland, and in the Lakshadweep Union Territory; this would help the NCM to recognize the problems of Hindus in those states.

The BJP is one of a number of offshoots of the Rashtriya Swayamsewak Sangh (RSS), an organization that espouses a return to Hindu values and cultural norms. 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 express respect and tolerance for other religions, but the RSS in particular opposes conversions from Hinduism and believes that all Indians 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. Most BJP leaders are also RSS members. The BJP's longstanding 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 was destroyed by a Hindu mob in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, India's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions. All of these proposals are opposed strongly by some minority religious groups. However, the BJP-led national Government took no steps to implement these measures and has promised that it would not do so during its tenure in the Parliament. While at the national level the BJP has downplayed its Hindu

nationalist agenda, some Christian groups have noted the coincidence of its coming to power and an increase in complaints of discrimination against minority religious communities. These groups also claim that BJP officials at state and local levels have become increasingly uncooperative.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens enjoy freedom of movement within the country except in certain border areas where, for security reasons, special permits are required. Under the Passports Act of 1967, 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 uses this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and the violent separatist movement in Jammu and Kashmir. On September 23, the Government prevented Mirwais Unmar Farooq and Maulana Mohammad Abbas Ansari, two members of the All Parties Hurriyat Conference, a Kashmiri separatist group, from leaving the country to attend a meeting of the Organization of Islamic Conference. On May 11, the Union Home Ministry accepted the recommendation of the NHRC and permitted another member of the APHC to travel abroad for medical treatment.

Vehicle checkpoints, at which Border Security Forces routinely frisk and question occupants, are a common feature throughout most of Jammu and Kashmir. It also is common for police to block entry and exit points in preparation for gathering young males for police lineups. According to a credible source, these search and cordon operations seldom yield any results. Nevertheless, these searches tend to focus on troubled areas, as opposed to the mass searches that were common in the past.

On June 18, the NHRC received a complaint alleging that more than 4,700 families that were forced to leave their homes in Karwar, north Kerala, due to planned construction of the navy's Sea Bird Naval Base were compensated inadequately for their homes.

Human Rights Watch alleged that the Maharashtra government colluded with the Dabhol Power Corporation to suppress peaceful protests over the forcible eviction of 2,000 persons from their homes (see Section 1.c.).

In February the Supreme Court lifted its stay on the construction of the Narmada dam in Madhya Pradesh after the Gujarat government promised displaced families greater compensation (among other improvements). However, many human rights advocates and NGO's continued to allege that the construction of the dam would displace 40,000 families without adequately compensating those who are resettled (see Section 2.b.). (Opposition to the Narmada project was greatest during the early 1990's, resulting in prolonged financial and legal stalls.)

Citizens may emigrate without restriction.

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 was conducted by the government of Maharashtra in 1998. The Government estimates that there are 10 million Bangladeshis living illegally in the country.

The law does not contain provisions for processing refugees or asylum seekers in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, nor is there a clear national policy for the treatment of refugees. The Office of the United Nations High Commissioner for Refugees (UNHCR) has no formal status, but the Government permits the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese).

The Government has not permitted the UNHCR to assist other groups of refugees, including Sri Lankan Tamils to whose camps in Tamil Nadu the Government has barred access by the UNHCR and NGO's (see Section 4). The Government provides first asylum to refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy is applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally has resulted in individuals or groups being refused admittance. This has occurred in recent years in cases involving Chin and Rakhine refugees from Burma and Afghans who entered the country via Pakistan. Refugees are not required to make claims in other countries. Cramped and unhygienic conditions are reported to exist in some of the camps for Sri Lankan Tamils in Tamil Nadu.

The Government recognizes certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans, as refugees and provides them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 98,000 Tibetans, approximately 70,337 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. The refugees in the camps are not permitted to work. Many Chakmas from Bangladesh have been repatriated voluntarily, including all of the estimated 56,000 persons who had been residing in Tripura. Some 80,000 Chakma permanent residents remain in Arunachal Pradesh and Mizoram; their right to citizenship has been upheld by the Supreme Court. However, the Supreme Court's order to extend citizenship to this group was not implemented by year's end. The UNHCR reports that 14,962 Afghans, 664 Burmese, 189 Iranians, 173 Somalis, 81 Sudanese, and 60 others, including Iraqis and Ethiopians, were receiving assistance from the UNHCR in the country as of August 31. Although the Government formally does not recognize these persons as refugees, it does 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 refugee-related reasons, many refugees were unable or unwilling to obtain or renew their national passports and were, therefore, unable to regularize their status in India.

The government of Tamil Nadu provides educational facilities to Sri Lankan Tamil refugee children, and the central Government provides some assistance and channels assistance from NGO and church groups. The central Government has, for the most part, denied NGO's and the UNHCR direct access to the camps. NGO's report refugee complaints about deteriorated housing, poor sanitation, delayed dole payments, and inadequate medical care in the Tamil refugee camps. The NHRC has intervened to uphold the right of several Sri Lankan Tamils detained in so-called "special camps" to remain in the country. The Government uses these camps to hold suspected members of the LTTE terrorist organization. Human rights groups allege that inmates of the special camps sometimes are subjected to physical abuse and that their confinement to the camps amounts to imprisonment without trial. They allege that several of those acquitted by the Supreme Court on May 11 of involvement in the assassination of former Prime Minister Rajiv Gandhi (see Section 1.a.) remain confined in these special camps.

More than 260,000 Santhals are displaced due to ongoing Bodo-Santhal violence, and live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts (see Section 1.a.).

Ethnic Chins are among the nonrecognized refugees in the northeastern states, particularly Mizoram. Chins and Chakma refugees have been targeted by student-led demonstrations protesting their presence in Mizoram. Recent tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly have resulted in the detention, interrogation, and expulsion of some persons associated with the CNF. Human rights monitors allege that a unit of the Assam Rifles of the Indian army raided a Chin refugee camp in Mizoram in July, killing six suspected members of the CNF and destroying the camp. In Manipur the Manipur Underground attempted to impose a $3 (130.5 rupees) "tax" on all non-Manipuris above the age of 12 as the price for continued permission for them to live in the state. The National Liberation Front of Tripura is imposing a similar tax in Tripura. On March 13, a tribal woman was beaten by fellow tribals in Udaipur subdivision, Tripura, because she lived in a "Bengali locality" (see Section 1.c.). (Tribals reportedly feel threatened by the influx of Bengali-speaking persons from West Bengal and Bangladesh, and believed to have regarded her residence as a betrayal of her people.)

Mizoram human rights groups estimate that some 37,000 Reangs, a tribal group from Mizoram, which has been displaced due to a sectarian conflict, presently are being sheltered in four camps in North Tripura; conditions in their camps are poor and the Tripura government has asked the central Government to allot funds for their care. In August the Mizoram government announced its willingness to take back the displaced Reangs.

The spring and summer incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control around Kargil in the state of Jammu and Kashmir and the Indian military campaign to repel the intrusion forced as many as 50,000 residents of Jammu and Kashmir from their homes, a number of whom took refuge on the Pakistani side of the line of control. Many had their homes destroyed and remained displaced at year's end (see Sections 1.a., 1.c., and 1.g.).

On December 21, the Assam government offered a good will "safe passage" for 11 days to militant groups so that they could visit their families without fearing arrest; 173 militants mostly belonging to ULFA accepted the offer. The only strings attached were that the militants could not carry weapons and that they should inform the police about their intentions to visit their families.

There were no reports during the year 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. India 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 are elected at regular intervals except in states under President's Rule, i.e., rule by the central Government.

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 in May 1995 upheld the Government's authority to suspend fundamental rights during an emergency. President Narayanan dissolved the lower house of Parliament on April 17 after the BJP-led government lost a vote of confidence in the Lok Sabha. Elections were held in September and October. Some 374 million voters, or 62.04 percent of the electorate, cast ballots. The new Government, a coalition of 13 political parties in the BJP-led National Democratic Alliance government, was sworn into office under Prime Minister Vajpayee on October 13.

More than 100 persons were killed in election-related violence in various parts of the country, predominantly in Kashmir, Tripura, Assam, Maharashtra, Andhra Pradesh, and Bihar (see Section 1.g.), and there were localized allegations of voter fraud. Human rights groups reported that security forces in some parts of Jammu and Kashmir compelled residents to vote and that at least three persons who refused were killed. The worst violence occurred during the third phase of voting on September 18; rioting on that day left 29 dead in Bihar, including 14 policemen, a magistrate and 11 polling officials.

In Jammu and Kashmir, militants committed numerous abuses—many against civilians—to disrupt voting. On August 29, the Pakistan-based Al Badr militant group stated that it sent militants into Kashmir with the explicit aim of disrupting the elections. The night before the vote, militants reportedly visited several villages warning persons not to vote. It is believed that the principal reason for the low turnout (about 14 percent of the electorate) in Kashmir was the militant threat of violence. In southern Bihar, extremist leftists of the Maoist Communist Conference (MMC) and the People's War Group (PWG) threatened to amputate the hands of persons who voted or to kill them; during the polling-phases, they killed numerous persons (see Section 1.g.).

No legal impediments hinder participation by women in the political process; however, they are underrepresented in government and politics. A large proportion of women participates in voting throughout the country, and numerous women represent all major parties in the national and state legislatures. There are 67 women among the 790 Members of Parliament, including the Deputy Speaker of the Upper House, and there are 6 women in the 69-member Cabinet. The 1993 passage of the "Panchayati Raj" constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, and this has, in fact, brought more than 1 million women into the political arena at the grassroots level. In July 1998 debate over the Women's Reservation Bill, which was designed to reserve one-third of parliamentary seats for women, subsided when the bill's formal introduction was prevented due to opposition from members of both the governing and the opposition parties. The Women's Reservation Bill was introduced in parliamentary sessions in November and December 1998, despite strong opposition, but it was not enacted by year's end.

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 participate actively in national and local politics, but their impact depends on their numerical strength. In the northeastern states, indigenous people are a large proportion of the population and consequently exercise a dominant influence in the political process. In Maharashtra and Gujarat, on the other hand, tribal people are a small minority and have been unsuccessful in blocking projects that they oppose.

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

Independent human rights organizations operate throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups face some restrictions. Human rights monitors in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of retribution by security forces and countermilitants. Since 1992 several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, have been attacked and in some cases killed. International human rights monitors have had difficulty in obtaining visas to visit the country for investigation purposes. For example, during the year the authorities continued to deny Human Rights Watch and Amnesty International permission to visit Jammu and Kashmir; however, some foreign diplomats gained improved access to some prisons in Jammu and Kashmir. The Government also continued to deny the U.N. Special Rapporteurs on Torture and Extrajudicial Killings permission to visit the country, despite their repeated requests. Moreover, the police and security forces have targeted human rights monitors for arrest and harassment. However, in February U.N. High Commissioner for Human Rights Mary Robinson was allowed to visit the country. She met with the Prime Minister, Home Minister, and External Affairs Minister.

On September 27, the Ministry of Home Affairs sent a notice to several prominent NGO's asking them to justify their status as nonpolitical organizations under the Foreign Contribution (Regulation) Act. According to Human Rights Watch, the notice effectively was a threat to cut off foreign funding. The NGO's, many of which worked on women's rights, communal violence, and Dalit and tribal issues, publicly had criticized the policies of the BJP-led Government and the anti-secular activities of the Sangh Parivar, a collective of rightwing Hindu organizations of which the BJP is a member.

Several Christian-affiliated (in many cases, non-evangelical) 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).

According to Amnesty International, on January 8, the Orissa government served a show-cause notice on an NGO that works with tribal communities in the Rayagada and Koraput districts of the state; allegedly, in December 1998 a similar letter was written to another NGO in the region. The notices threatened the organizations with the withdrawal of official registration and funding on the basis of reports that they had been involved in criminal activities and had incited tribal people to violence in an attempt to prevent the establishment of industrial projects in the district. Allegedly, two more NGO's later were threatened with withdrawal of funding. There is widespread opposition to the construction of bauxite mines and aluminum processing plants in the area where the NGO's are working.

No definitive resolution of the case of abducted and murdered Kashmir human rights monitor Jalil Andrabi was reached. Human rights workers alleged that the State was attempting to subvert the judicial process by withholding evidence (see Sections 1.a. and 1.b.). In Assam the investigation into the 1996 murder of human rights monitor and journalist Parag Das has yielded no definitive information on the identity of his killer. The assailant was allegedly a militant who previously had surrendered and was supported by the Government (see Section 1.a.). On June 8, 1998, special operations group personnel of the Jammu and Kashmir police arrested Ali Mohammad Sheikh, a researcher for a local human rights organization, in Dalgate, Srinagar. Sheikh initially was held at the Khanabal, Anantnag special operations group camp and family members were denied permission to see him. Also in June 1998, the government of Andhra Pradesh issued a directive to faculty members of state universities not to associate with the Andhra Pradesh Civil Liberties Committee (APCLC), a well-respected human rights organization. The state government provided no explanation as to why it had taken this action. By year's end, there had been no enforcement of the directive, but it had not been rescinded. On June 8, an agent of the intelligence wing of the New Delhi police visited and questioned the director of the South Asia Human Rights Documentation Center about his appeal for intervention to secure the release of a Kashmiri human rights monitor and political dissident arrested a few days earlier.

The NHRC and the Manipur state Human Rights Commission both expressed concern for the safety of Wahengbam Joykumar Singh, a human rights monitor from Manipur, according to Amnesty International. On June 28, Joykumar Singh visited the camp of the Assam Rifles, an army unit, to recover his identity card taken from him by soldiers of this unit the previous day. A unit captain allegedly

warned Joykumar Singh that he would be killed unless he withdrew two complaints of human rights violations he had filed against members of the unit; Joykumar Singh reportedly went into hiding shortly thereafter and remained in hiding at year's end. On April 16, Y. Mani, Vice President of the All Manipur United Clubs Organization (AMUCO) was taken into custody by a unit of the Rashtriya Rifles, beaten and threatened with death, according to Amnesty International. Just prior to the arrest, the AMUCO had issued a public complaint about human rights violations by security forces in Manipur. Mani was handed over to the superintendent of police in Bishenpur district, Manipur, and released on April 17, after the intervention of the state governor. Delhi High Court requested the Ministry of External Affairs to respond to a complaint by human rights monitor and Islamic scholar Iqbal Ahmad Ansari that he had been denied renewal of his passport and consequently was unable to attend the Parliament of the World's Religions in South Africa. Ansari alleged that he applied for passport renewal in August in the regional passport office in Bareilly, Uttar Pradesh in anticipation of the December 1-8 Parliament in Cape Town, but that the office took no action on his application despite his repeated requests.

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 is directed to contribute to the establishment, growth, and functioning of human rights NGO's. The Government appoints the members and finances the operations of the NHRC. The NHRC is seriously understaffed and prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces.

Between April 1996, and March 1997 (the most recent reporting year), the NHRC received 20,514 new complaints of human rights violations. At the end of that period, 4,010 complaints awaited consideration. Of the 16,823 cases considered during the year, 8,048 were dismissed; 2,272 were transmitted to other governmental authorities for disposition; 528 were concluded, and 5,975 were pending. In the preceding 12-month period (April 1995 through March 1996), the Commission received 10,195 complaints. The increased number of complaints in the most recent reporting year is believed to be the result of the Commission's increased visibility. That trend continued, and the Commission estimated that it had received more than 70,000 complaints during its 1997-98 reporting year. By the end of the year, the report for that year still had not been published.

The NHRC has sought to encourage a culture supportive of human rights by fostering human rights education in schools and universities, by offering support and encouragement to human rights NGO's, by supporting training programs for the police, military forces, and paramilitary forces, and by making recommendations to the central and the state governments. During the year, the NHRC carried out, with the assistance of NGO's, a human rights training program for state police that include stress counseling. The NHRC also has influenced the legislative process (particularly in advocating abolition of the TADA, and by proposing prison reform legislation. State human rights commissions exist in Assam, Manipur, Himachal Pradesh, Madhya Pradesh, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan; Uttar Pradesh took legal steps to establish a commission but has yet to appoint members. In addition special courts to hear human rights cases have been established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. The courts in Uttar Pradesh are not functioning, and in September, the state high court ordered that they be activated; despite the order, by year's end they were not. The NHRC also encouraged the establishment of human rights cells in police headquarters in the states.

The NHRC also was involved in programs to eliminate child labor (see Section 6).

The state human rights commission established in Jammu and Kashmir by an act of the state legislature, in 1997, has no power to investigate independently alleged human rights violations committed by members of the security forces. Credible human rights monitors say that the Jammu and Kashmir commission has not yet demonstrated effective, independent protection of human rights in the state.

A People's Commission that was established in 1998 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 received little cooperation from state government authorities.

The prison visits program in Jammu and Kashmir by the International Committee of the Red Cross, initiated in October 1995, continued during the year (see Section 1.c.). ICRC representatives also continued training police and border security force personnel in international humanitarian law.

The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (see Section 2.d.).

Section 5. Discrimination Based on Race, Sex, Religion, 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 have a profound discriminatory impact. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes are frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

Women.—Domestic violence is common. According to a 1996 survey in Uttar Pradesh, 30 percent of married men acknowledged physically abusing their wives. Dowry disputes also are a serious problem. In the typical dowry dispute, a groom's family members harass a new wife whom they believe has not provided a sufficient dowry. This harassment sometimes ends in the woman's death, which family members often try to portray as a suicide or kitchen accident. Although most "dowry deaths" involve lower and middle-class families, the phenomenon crosses both caste and religious lines. According to National Crime Records Bureau (NCRB) statistics, 6,006 dowry deaths occurred in the country in 1997, including 1,786 dowry deaths in Uttar Pradesh, 761 in Bihar, 550 in Madhya Pradesh, 520 in Andhra Pradesh, 420 in Maharashtra, 195 in Karnataka, 153 in Tamil Nadu, and 25 in Kerala.

Under a 1986 amendment to the Penal Code, the court must presume that the husband or the wife's in-laws are responsible for every unnatural death of a woman in the first 7 years of marriage—provided that harassment is proven. In such cases, police procedures require that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the post mortem procedures. According to human rights monitors, in practice police do not consistently follow these procedures.

The issue of rape has received greater political and social attention. In Orissa in January, the victim of a 1997 rape in which the state advocate general Indrajit Roy was charged, was gang raped in apparent retaliation for her pursuit of charges against Roy. Roy was forced to resign in August 1998, nearly a year after attempted rape charges were filed against him. The victim originally had gone to him seeking assistance in a dowry case against her husband. The media was very critical of the state government's handling of the case, and the gang rape was cited as one of the reasons that Orissa Chief Minister J.B. Patnaik subsequently was forced to resign on February 7. After the gang rape, the NHRC directed the state's chief of police to provide police protection to the victim and to submit a full report on the incident to the Commission. The press consistently reports that such violence against women is increasing, although local women's organizations claim that there simply has been increased reporting. Only 10 percent of rape cases make it through the courts, and police typically fail to arrest rapists. The NHRC criticized the conduct of an investigation into a well-publicized kidnaping and rape case in Rajasthan that occurred during the year. Acting on an anonymous complaint, the NHRC and local police rescued a 24-year-old woman who had been held in the Jaipur home of Manohar Lal Sharma for 2 to 3 years and repeatedly raped; six persons were charged. Police in Jaipur earlier had reported that they had been unable to locate the woman and that those persons whom are now accused could not have been involved because they were from "respectable families," according to press reports. On October 3, Delhi police constable Deepak Dubey was dismissed from service, arrested, and charged with raping a sex worker in the Kamla Market police station. On December 13, Pappan Singh, Kanji, an Padam Singh, three brothers from Geejgar village, Dausa district, Rajasthan, allegedly broke into a low caste "Dalit" home in the village, raped a 16-year-old woman, then poured kerosene on her and set her on fire, causing her to die. Two of the suspects were arrested and charged with murder and rape; the third, Padam Singh, was being sought at year's end.

The Union Home Ministry reported that there were 15,452 cases of rape reported in 1998. According to NCRB statistics for 1997, there were 15,330 rapes reported that year, 15,617 abductions of women, 6,006 dowry deaths, 36,592 reported cases of torture of women, 30,764 cases of molestation, and 5,796 cases of sexual harassment. The NCRB recorded a total of 121,265 crimes against women in 1997, up from the 1996 total of 115,723. Also in 1997, 678 cases of gang rape were recorded. Gang rapes often are committed as punishment for alleged adultery or as a means of coercion or revenge in rural property disputes and feuds.

Numerous laws exist to protect the rights of women, 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 is unable to enforce these laws, especially in rural areas where traditions are deeply rooted. According to press reports, the rate of acquittal in dowry death cases is high, and because of court backlogs it takes 6 to 7 years on average to dispose of such cases.

The country is a significant source, transit point, and destination for many thousands of trafficked women (see Section 6.f.).

Prostitution is widespread, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom are children. Many indigenous tribal women are forced into sexual exploitation. In Assam's Chars River islands, some women work as prostitutes in exchange for as little as $0.23 (10 rupees). In 1998 prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai and New Delhi. In 1997 Karnataka's government made sexual harassment a criminal offense.

Higher female mortality at all age levels, including female infanticide and sex selective termination of pregnancies, accounts for an increase in the ratio of males to females to 107.9 males per 100 females in 1991, from 104.7 males per 100 females in 1981, and from 102.9 males per 100 females at the turn of the century.

Literacy rates for women are significantly lower than rates for men; one recent study found that 38 percent of women were literate, compared with 66 percent of men.

The law prohibits discrimination in the workplace, but enforcement is inadequate. In both rural and urban areas, women get lower wages than men for doing the same job. Women experience economic discrimination in access to employment and credit. This acts as an impediment to women owning a business and their ascent to managerial positions within businesses often is slower than that of males. State governments have supported micro-credit programs for women that have begun to have an impact in many rural districts.

The personal status laws of the religious communities discriminate against women. Under the Indian Divorce Act of 1869, a Christian woman may demand divorce only in the case of spousal abuse and in the case of certain categories of adultery; for a Christian man, adultery alone is sufficient. In 1997 the Mumbai High Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry.

The Hindu Succession Act provides equal inheritance rights for Hindu women, but married daughters seldom are given a share in parental property. Islamic law recognizes a woman's right of inheritance but specifies that a daughter's share should be only one-half that of a son.

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 accord women little control over land use, retention, or sale. However, several exceptions exist, as in Ladakh and Meghalaya, where women may have several husbands and control the family inheritance. This also is an exception to the prohibition of polyandry.

Thousands of grassroots organizations work for social justice and the economic advancement of women, in addition to the National Commission for Women. The Government usually supports these efforts, despite strong resistance from traditionally privileged groups.

Children.—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. Of a primary school-age population of approximately 203 million, about 120 million children attend school. No significant sectors or groups actively are excluded, but the economic reality is that children of wealthier families are more likely to attend school than those of poor families. According to a United Nations Development Program (UNDP) study conducted in 1993, the dropout rate from primary school was 34 percent. A significant gender gap exists in school attendance, particularly at the secondary level. According to the U.N. Children's Fund (UNICEF), 59 percent of boys and 38 percent of girls were enrolled in secondary school. Upon taking office in March 1998, the BJP-led Government pledged to "implement the constitutional provision (Article 45) of making primary education free and compulsory," promising to increase gradually "government and non-government" spending on education to 6 percent of gross domestic product. The Government further pledged to present a "national charter for children," to "take measures to eliminate child labor," and to ensure that "no child remains illiterate, hungry, or lacks medical care." Budgetary allocations for this work were not forthcoming, and by the time the Government fell in April, little had been done to fulfill these pledges. The current BJP-led Government reiterated its earlier pledge, but little was done to fulfill it.

The actual percentage of the Union budget spent on education is approximately 5.9 percent. The state governments also spend on education, but no comprehensive figure of combined federal-state expenditure is available. A 1993 study commis-

sioned by the UNDP estimated that India as a whole devoted about 3.7 percent of gross national product to education.

Child welfare organizations estimate that there are 500,000 street children nationwide living in abject poverty.

Child prostitution occurs in the cities, and there are an estimated 575,00 child prostitutes nationwide. Trafficking in children for the purpose of forced prostitution is a problem (see Section 6.f.).

According to an International Labor Organization estimate, 15 percent of the country's estimated 2.3 million prostitutes are children.

A group on child prostitution set up by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

Runaway children, especially in larger cities, are at high risk for sexually transmitted diseases and HIV. They often work 18- to 20-hour days, frequently in hazardous conditions (see Section 6.c.), and suffer sexual and mental abuse. In addition schoolteachers often beat children.

The Union Ministry of Social Justice and Empowerment has set up a 24-hour "child help line" phone-in service for children in distress in nine cities. Run by NGO's with government funding, the child help line services target street children, orphans, destitutes, runaway children, and children suffering abuse and exploitation. During one 6-month period, the help lines received 25,000 calls, including 2,190 seeking medical assistance for children, 1,056 seeking shelter, 138 reporting missing children, and 125 reporting physical or sexual abuse of children.

In its most recent annual report, the NHRC detailed its efforts to examine conditions in juvenile homes and to recommend improvements. The Commission also issued directions to all state governments to report within 24 hours any instance of death or rape in such institutions. The Commission reported that it had taken this initiative following receipt of reports of a young boy's death in such a home in Delhi in 1996. Speaking in March, NHRC member Justice V.S. Malimath said that cases of abuse and torture of children confined to juvenile homes had been reported. In some cases, the Commission had acted to transfer oversight of homes to private voluntary organizations "after the (state) government failed to provide a healthy environment to children in these homes."

The Child Marriage Restraint (Amendment) Act of 1929, as amended in 1978, prohibits child marriage, a traditional practice in northern India. The act raised the age requirement for marriage for girls to 18 from 15 years, but the Government does not enforce it effectively. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh are married at or before age 16. The Union Home Ministry reported that just 21 cases were registered under the Child Marriage Restraint (Amendment) Act during 1998. The NHRC, in consultation with the National Commission for Women and the Department of Women and Child Development, recommended that a new draft "marriage bill" be enacted to strengthen the prohibitions of the 1929 act. The NHRC, in its 1996–1997 report, criticized the then-government for rejecting this suggestion, a response that the Commission concluded amounted, "essentially, to a total disinclination to strengthen or alter the law, in any respect, or indeed to see to its better implementation in any manner."

The traditional preference for male children continues. Although a law passed in 1994 prohibits the use of amniocentesis and sonogram tests for sex determination, the tests are widely misused for this purpose, and termination of a disproportionate number of pregnancies with female fetuses occurs. In the 11 years since the southern state of Maharashtra passed a law banning the use of such tests for sex determination, the state government has filed charges against one doctor; he was acquitted. Human rights groups estimate that at least 10,000 cases of female infanticide occur yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still have high rates of female infanticide. According to statistics compiled by the Dharmapuri office of the Directorate of Health Services, 1,260 female infants were killed in the district in 1997. Police have not investigated these cases. In 1998 the Tamil Nadu Human Rights Commission suggested that a separate mandatory police investigation into the death of every female infant become mandatory, but there is no legislation that requires such action. In addition parents often give priority in health care and nutrition to male infants. Women's rights groups point out that the burden of providing girls with an adequate dowry is one factor that makes daughters less desirable. Although abetting or taking dowry is theoretically illegal under the Dowry Prohibition Act of 1961, it still is practiced widely.

Bonded and unbonded child labor continues to be a serious problem throughout the country (see Sections 6.c. and 6.d.).

People with Disabilities.—According to regional NGO's, there are over 90 million disabled persons in the country. There is no legislation or otherwise mandated provision of accessibility for the disabled. With the adoption of the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act in 1995, a nascent disabled rights movement slowly is raising awareness and empowering the disabled. Although the act extends independence, freedom, and equal rights to all persons with disabilities, most disabled-related organizations admit that its practical effects have been minimal so far, in part due to a clause that makes the implementation of programs dependent on the "economic capacit" of the Government. To a large degree, physical impediments still limit mobility, legislation prevents equality, and societal discrimination maintains the status quo of the disabled.

The Disabled Division of the Ministry of Welfare had a budget provision of more than $38 million (1.65 million rupees) for the 1998–99 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivers rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan commits the Government to putting a rehabilitation center in each of more than 400 districts, but services still are concentrated in urban areas. However, the impact of government programs so far has been limited. Significant funding is provided to a handful of government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India. Each program/entity provides specific services or training which include producing aids and prosthetics, promoting disabled-oriented economic development activities, offering training to health-care professionals and vocational instructors concerning disabled-related issues, and providing comprehensive rehabilitation services to the rural disabled.

Additional mini-grants are offered to NGO's that coordinate programs for the disabled to facilitate their physical, social and psychological rehabilitation and integration into mainstream society. During 1998–99, $3 million (130.5 million rupees) was available. However, only half of this amount was allocated due to funding restrictions placed on each providing organization and the small number of them that exist.

Two significant programs to benefit the disabled are the National Project to Integrate Mentally Retarded in Family and Community and the National Institute for the Multiple Disabilities. The first project, launched in six states in 1998, primarily focuses on children from the economically weaker sections and promotes awareness concerning the mentally disabled, their problems, and their rights. The second, currently being proposed by the Ministry of Welfare, is to provide rehabilitation services to persons with multiple disabilities as well as develop courses and materials to foster greater awareness among communities throughout the country.

According to the Persons with Disability Act, 3 percent of positions in official offices and state-owned enterprises should be reserved for persons with visual, hearing, or orthopedic disabilities. The Government provides 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 is not thorough. Although the Government has made significant steps toward improving the plight of the disabled, its involvement has been insufficient. The majority of responsibility for caring for disabled persons still lies with family members and voluntary groups.

The NHRC continues to receive complaints relating to harassment, intolerance, and discrimination against the disabled. It currently is gathering information on these cases and forwarding assessments to concerned NGO's and government entities. However, this process is slow, and its effects so far have been minimal.

The NHRC continued its efforts to improve conditions in mental hospitals and enhance awareness of the rights of those with mental disabilities during the year. In 1997 it commissioned an assessment of conditions at mental hospitals throughout the country, to be conducted by the National Institute of Mental Health and Neuroscience. The rights of the mentally ill and mentally disabled are provided for in the Constitution and the Mental Health Act of 1987. However, the NHRC noted that despite these protections, conditions in many mental hospitals are far from satisfactory. They continue to embody old concepts of mental health care and essentially function as custodial rather than therapeutic institutions. Overcrowded and serving as "dumping grounds" by desperate relatives, some mental hospitals lack even basic amenities and have poor medical facilities. In August the NHRC reported that it

had assumed the management of mental hospitals in Ranchi, Bihar, Agra, Uttar Pradesh, and Gwalior, Madhya Pradesh, at the direction of the Supreme Court.

Indigenous People.—The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the border states of the northeast. They are in effect in Arunachal Pradesh, Nagaland, Manipur, and Mizoram, but not in Tripura, where the tribal population has been reduced to 30 percent of the total population due to increased Bengali migration since partition. 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 are allowed to own land in the tribal areas without approval from tribal authorities.

Despite constitutional safeguards, the rights of indigenous groups in eastern India often are ignored. Indigenous people suffer discrimination and harassment, have been deprived wrongly of their land, and have been subject to torture and to arbitrary arrest. There has been encroachment on tribal land in almost every state of eastern India, including by illegal Bangladeshi immigrants, and by businesses that illegally have removed forest and mineral products. Moreover, persons from other backgrounds often usurp places reserved for members of tribes and lower castes in national education institutions. Mob lynchings, arson, and police atrocities against tribal people occur in many states.

In the Andaman Islands, the local government implemented a policy during the year of permitting development of the Jawara tribal area that threatens indigenous group's way of life. The construction of a road through the forest that is inhabited by this group and the encroachment of Indian settlers have impacted negatively indigenous group's cultural vitality, economic self-sufficiency, and physical and mental health. These integrative policies have been driven in part by humanitarian motives, but interest in commercially exploiting virgin forests inhabited by tribal people is another strong factor. The most recent manifestation of this negative trend was a destructive outbreak of measles among the Jawara tribal people, reported in the press in September.

Such violations led to numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa, and the Bodo Movement in Assam, reflect deep economic and social grievances among indigenous people. In the Jharkhand area, tribal people complain that they have been relegated to unskilled mining jobs, have lost their forests to industrial construction, and have been displaced by development projects. The Government has considered the creation of an independent Jharkand state, but the affected state governments oppose the idea.

However, there is some local autonomy in the northeast. In Meghalaya tribal chiefs still wield influence in certain villages. The Nagaland government controls 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.

The 1991 census, the last conducted, showed that 8.08 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 line.

In May 1998, the NHRC established a panel to investigate the condition of the country's 20 million denotified tribal people. These are tribal people who, in 1871, were labeled by the British colonial government as belonging to "criminal tribes." The Colonial Act listing these tribes was repealed in 1951, but the stigma remains and many of these tribal people still are discriminated against actively. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, have been forced into economic and sexual exploitation (see Section 6.f.); many come from tribes driven off the land by national park schemes. Special courts to hear complaints of atrocities committed against tribal people were to have been established under the protection of Civil Rights Act of 1976, but this has not been done.

Religious Minorities.—The potential for renewed Hindu-Muslim violence remains considerable. Hindus and Muslims continue to feud over the construction of mosques several centuries ago on three sites where Hindus believe that temples stood previously. In 1998 the Sri Krishna Commission, established by the Government to inquire into the cause of Hindu-Muslim riots in Mumbai in December 1992 and January 1993, released its report. The riots, which followed the destruction of a historic mosque in Ayodhya in December 1992, left more than 1,000 persons, mostly Muslims, dead. Maharashtra's BJP-Shiv Sena ruling coalition rejected the report, which laid responsibility for much of the violence on leaders from both parties; several Muslim organizations have asked the Supreme Court to reverse this rejection, but at year's end, the Supreme Court had not reached a decision. In September and Oc-

tober, new state assembly elections were held in Maharashtra and the incumbent BJP-Shiv Sena government was replaced by a coalition led by the Indian National Congress and the Nationalist Congress Party. The new Maharashtra government has pledged to take action on the Sri Krishna report. On July 20, violence erupted between Hindus and Muslims in Ahmedabad, Gujarat, claiming one life. The violence began when a band of Hindu youths set fire to Muslim shops and vehicles after encountering some Muslim youths teasing a mentally disabled woman in the Muslim-dominated old city. Police responded by declaring an area-wide curfew, thereby bringing the rioting under control; however, there was renewed communal violence on July 22, when the curfew was lifted. On August 26, a mob of approximately 15 persons, possibly led by Hindu extremist Dara Singh, mutilated and burned to death a Muslim cattle trader in Padiabeda village, Orissa. According to press reports, men with bows and arrows and axes attacked the cattle trader. Both his hands were severed, and he was thrown into his shop, which had been set ablaze. Some 400 persons witnessed the killing, and 3 suspects were arrested in connection with the killing; however, there were no convictions.

Attacks by Muslim militants seeking to end Indian rule in Jammu and Kashmir, and continued political violence, drove most Hindus in the Kashmir Valley (Pandits) to seek refuge in camps in Jammu, with relatives in New Delhi, or elsewhere. Throughout the year, militants carried out several execution-style mass killings of Hindu villagers and violently targeted Pandits in Jammu and Kashmir (see Sections 1.a. and 1.g.). During the year, there were at least three separate attacks on Pandit villages in Jammu and Kashmir in which some 41 persons were killed. For example, on July 1, Muslim militants are believed to have killed nine members of two Hindu families, including three women and a child, in Poonch district, Jammu and Kashmir. The Pandit community criticizes bleak conditions in the camps and fears that a negotiated solution giving greater autonomy to the Muslim majority might threaten its own survival in Jammu and Kashmir as a culturally and historically distinctive group. The NHRC released a 39-page judgement in June, in response to a petition from Hindu Pandits alleging that genocide had been committed against them. The NHRC found that the crimes against the Pandits "fall short of the ultimate crime: genocide," but stated that compensation to the community had been inadequate.

There was a sharp increase in the number of attacks against Christian communities and Christian missionaries during the year. On December 1, Home Minister L.K. Advani told Parliament that there had been 31 attacks on churches during the year, with 15 occurring in Gujurat, 7 in Tamil Nadu, 5 in Kerala, 2 in Orissa, and one each in Haryana and Madhya Pradesh. He said that 89 persons had been arrested in connection with these attacks and those from previous years. There were approximately incidents during the year, primarily of mob violence that took the form of destruction of churches and religious property and violent attacks on Christian pilgrims and leaders, occurring in all parts of the country. The press reported the following incidents: On January 11, two Christian prayer halls were set on fire and damaged in the Dangs district of Gujarat. On January 27, 12 Christian villagers forcibly were "reconverted" to Hinduism under threat of the loss of the right to use the local well and the destruction of their homes. The "reconversion" was carried out by youths working with Swami Ashim Anand, a Hindu man active in "reconverting" tribal people in the area. However, the villagers stated that prior to becoming Christians, they had not been Hindu.

On January 23, Australian missionary Graham Staines and his two young sons were killed. The three were asleep in their car in Manoharpur, Keonjhar district, Orissa, when a mob shouting Hindu slogans set fire to their car. Villagers who tried to help Staines and his sons reportedly were beaten. Staines and his sons were in the village to attend an annual bible camp. Staines had worked in the country for many years and ran a hospital and clinic for lepers in Orissa. Police arrested 51 suspects in connection with the crime and sought others, including Dara Singh, who allegedly organized the attack and is a supporter of the Bajrang Dal. However, most of those arrested were released due to insufficient evidence. Some of the suspects reportedly were members or supporters of the Bajrang Dal. On January 30, Home Minister L.K. Advani stated that the Bajrang Dal was not involved in the Staines killings. However, soon after the incident, the Government ordered a judicial inquiry into the killings. Supreme Court Justice D.P. Wadwha was appointed to head the Commission of Inquiry. The Commission was criticized for not moving as aggressively as many had hoped; the head of the Commission criticized the central Government for failing to provide adequate resources to conduct the investigation. Hearings were held from March 30 to April 17 in Bhubhaneshwar, Orissa. The report of the Commission of Inquiry was submitted to the Government on June 21, and was made public on August 5. The Wadhwa Commission report found no evidence

of involvement of the Bajrang Dal or any other "politico-religious organization." It found that the Staines murders were perpetrated under the direction of Rabindra Kumar Pal, alias Dara Singh, a wanted criminal and Hindu extremist. The report nevertheless documented Dara Singh's support for the Bajrang Dal. The National Commission for Minorities and other human rights monitors disputed the Wadhwa Commission finding. The National Commission for Minorities's own, separate inquiry found evidence suggesting that the Bajrang Dal was involved in the murders. Villagers questioned by the commission reportedly stated that the killers cheered "long live the Bajrang Dal" shortly before the attack took place.

On March 16, clashes between Hindu and Christian tribal people in the village of Ranalai, southern Orissa broke out, which resulted in injuries to more than 12 persons and the burning of 157 Christian homes. The dispute began in February when a Christian cross that had been etched into a hillside 20 years earlier was converted into a Hindu Trishul (trident symbol).

Local Christians painted over the trident and repainted the cross. Despite local efforts to mediate the dispute, violence broke out on March 16. By March 17, 26 persons from both communities had been arrested for their alleged involvement in the incident. Bharat Paik, head of the local BJP, reportedly claimed that the Christians burned their own homes. On September 2, Father Arul Doss, a 35-year-old Roman Catholic priest, was murdered in a night raid by Hindu extremists on a church in Jambani village in Orissa's Mayurbhanj district. Doss was pulled from the church, shot with arrows, and beaten to death by his assailants. The mob also severely beat Doss's associate and vandalized the one-room church, before setting it on fire. In a public statement the same day, Prime Minister Vajpayee strongly criticized Father Doss's murder and called for its perpetrators to be brought to justice. On September 20 in Chapra, Bihar, two young men attacked a Roman Catholic nun; they reportedly questioned her about the number of conversions she and her sister nuns had made at Jalalpur convent. The men stripped the nun, forced her to drink urine, and attempted to rape her. Bihar Police Chief K.A. Jacob visited the scene of the crime 3 days later, and the state government established a three-member committee to investigate the crime. Christian organizations under the leadership of the Archbishop of New Delhi held a sit-in on September 26 to protest the humiliation of the nun.

Tamil Nadu was the scene of multiple church burnings between September 30 and November 12. During this 6-week period, nine thatched-roof buildings used for worship services by the Church of South India (a member of the Anglican Communion), the Syrian Catholic Church, and various Pentecostal denominations were burnt down; no one was killed. The incidents involved the destruction of churches on September 30, in Melkrishnapudur, Kanyakumari (Church of South India); October 4, in Kuzhithurai, Kanyakumari (Syrian Catholic Church); October 31, in Mogappair, Chennai (Church of South India); November 5, in Kodambakkam, Chennai (Seventh Day Adventist Church); November 7, in Thirumangalam, Chennai (International Evangelist Church); November 7, in Tirumalai, Tiruchi (Denomination Unknown); November 7, in Reddiarpatti, Tirunelveli (Pentecostal Mission); November 9, in Santhome, Chennai (Denomination Unknown), and November 12, in Vellore, North Tamil Nadu (Methodist). (It is possible that the November 7 and 9 incidents were started by the widespread use of firecrackers during the Hindu festival of Deepavali.)

On November 11, a mob of about 40 persons attacked a Christian gathering outside a church in the Khyala area of Delhi, in the first such incident in the capital. At least 12 persons were injured in the attack, when the mob descended on an open-air bible reading session, allegedly tearing pamphlets and damaging two bibles. A police spokesman said the mob "may have had some BJP activists" and four persons that are suspected of instigating the attacks were being sought.

Since 1998 Christian aid workers have been harassed increasingly. Many report having been hampered in their work due to threats, bureaucratic obstacles, and, in some cases, physical attacks on their workers. Several Christian relief organizations have reported difficulty in getting visas renewed for foreign relief workers (see Sections 2.d. and 4).

Members of militant Hindu organizations (including members of the Hindu Jagran Manch, the Vishwa Hindu Parishad, and the Bajrang Dal) reportedly are concerned about Christians' efforts to convert Hindus. They claimed that Hindus, including economically disadvantaged Dalits and tribals, were being forced or induced to convert by Christian missionaries. On September 6, Vishwa Hindu Parishad working president Ashok Singhal called for enactment of a law banning forced conversions. Missionaries have been operating schools and medical clinics for many years in tribal areas, including in the Dangs district in Gujarat. Tribals, such as those attacked in the Dangs district in 1998, and Dalits are outside of the caste

system and occupy the very lowest position in the social hierarchy. However, they have made socioeconomic gains as a result of the missionary schools and other institutions, which, among other things, have increased literacy among the lowest castes.

On January 5, a new Hindu militant group, the Hindu Dharma Raksha Samiti, held its second convention in Peth, Maharashtra. Among other demands issued by its leaders was an ultimatum to missionaries to close their offices in tribal districts in certain parts of Gujarat and Maharashtra by March 31, or be held responsible for any ensuing conflicts. On February 21, the Bajrang Dal held a convocation in Mumbai, which approximately 20,000 persons attended. At the convocation, antiminority rhetoric reportedly was common, and numerous resolutions were passed, which, if ever acted upon, would restrict freedom of religion and increase communal tensions. Among the resolutions passed were ones that called for a ban on conversion from Hinduism and a ban on using loudspeakers at mosques for the call to prayer.

On January 29 leading Muslim religious leaders and politicians joined Christian leaders at a protest held in New Delhi against the Government's response to violence against Christians. The multifaith group Religions for Social Justice was established in New Delhi in January following the Staines murders to help promote inter-religious understanding.

The practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as "servants of god" "Devadasis," is reported by Human Rights Watch to continue in several southern states, including Andhra Pradesh and Karnataka. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels. In 1992 the state of Karnataka passed the Karnataka Devadasi (Prohibition) Act and called for the rehabilitation of Devadasis, but this law reportedly suffers from a lack of enforcement and criminalizes the actions of Devadasis. Since Devadasis are by custom required to be sexually available to higher caste men, it reportedly is difficult for them to obtain justice from the legal system if they are raped.

National/Racial/Ethnic Minorities.—The country's caste system historically has strong ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and sub-caste. Members of each caste—and frequently each sub-caste—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) are viewed by many Hindus as separate from or "below" the caste system; nonetheless, they too are 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, societal, political, and economic pressures continue to ensure its widespread practice.

The Constitution gives the President the authority to specify historically disadvantaged castes, Dalits, and "tribals" (members of indigenous groups historically outside the caste system). These "scheduled" castes, Dalits, and tribes are 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 are designed to benefit is presently a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent and scheduled tribes 8 percent of the country's 1991 population of 846 million. Christians historically have rejected the concept of caste. However, because many Christians descended from low caste Hindu families, many continue 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 are reserved for Muslims of low caste descent.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 specifies new offenses against disadvantaged persons and provides stiffer penalties for offenders. However, this act has had only a modest effect in curbing abuse. The Union Home Ministry reported that 14,413 crimes against scheduled castes and 2,413 crimes against scheduled tribes were recorded in 1998. This represents a significant decrease from the 20,312 crimes against scheduled castes and 3,193 crimes against scheduled tribes recorded in 1997. However, human rights NGO's allege that caste violence is actually on the increase.

The practice of untouchability ("untouchables"—now called Dalits—along with tribals occupy the lowest strata of the caste system) was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remains an important aspect of life. "Untouchability" refers to the social disabilities imposed on persons because of their birth into certain Hindu castes. Dalits are considered unclean by higher caste Hindus and thus traditionally are 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 work 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 are Dalits (see Section 6.c.). Dalits are among the poorest of Indians, generally do not own land, and are often illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells as higher caste Hindus and from attending the same temples as higher caste Hindus. NGO's report that crimes committed by higher caste Hindus against Dalits often go unpunished, either because the authorities do not prosecute vigorously such cases or because the crimes are unreported by the victims, who fear retaliation. In recent years, groups—including some that use violence—have organized to protect Dalit rights.

Intercaste violence claims hundreds of lives each year; it was particularly pronounced in Uttar Pradesh, Bihar, and Tamil Nadu states. On January 26, approximately 100 upper caste members of the Ranvir Sena, a private army, killed 24 Dalits in Shankarbigha, Jehanbad district, Bihar. President Narayanan criticized the attack and called on state authorities to intervene to halt the intercaste violence. On February 10, the Ranvir Sena killed 12 persons in the lower caste village of Narayanpur, Bihar, including 4 women and a 12-year-old girl. On February 14, leftist militants reportedly killed seven upper caste Hindus; on March 2, 5 more upper caste Hindus were killed in Bhimpura village, Jehanabad District, Bihar. On March 18, militants of the Maoist Communist Center in Senari village, Bihar, killed at least 35 upper caste villagers who were asleep. On April 21, about 100 members of the Ranvir Sena killed 12 Dalit and other lower caste villagers in Sendani subdivision, Gaya district, Bihar. Police responded quickly to the incident and may have prevented further violence. By late April, 47 persons had been arrested in connection with the April 21 killings. However, in general, the members of the Ranvir Sena who were arrested were released on bail shortly thereafter, and none were convicted in connection with attacks on low caste villagers. According to Human Rights Watch, police made little effort to prevent the killings, despite the fact that the Ranvir Sena often publicly announced its intentions days before each attack; allegedly, police also failed to provide protection for villagers in the aftermath of such attacks. According to Human Rights Watch, on June 19 a gang of upper-caste Hindus looted and destroyed the houses in a Dalit settlement in Kodankipatti, Madurai district, after Dalits there had demanded a share in the common property of the village. On February 12, President Narayanan dismissed the government of Bihar on the recommendation of the Federal Cabinet, due to concerns about lawlessness in the state. However, on March 8, the dismissal was reversed, and the Bihar government was reinstated.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the right of association. Workers may establish and join unions of their own choosing without prior authorization. More than 397.2 million persons constitute the country's active work force. Some 30 million of these workers are employed in the formal sector. The rest are overwhelmingly agricultural workers and, to a lesser extent, urban non-industrial laborers. While some trade unions represent agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members are part of the 30 million member formal sector. Of these 13 to 15 million unionized workers, some 80 percent are members of unions affiliated with one of the 5 major trade union centrals. All major trade centrals are affiliated to a greater or lesser extent with particular political parties. Central unions recently have stressed their independence and in some cases are attempting to sever previously tight party control.

Trade unions often exercise the right to strike, but public sector unions are required to give at least 16 days notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give prior strike notice.

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, the "essential services" has never been defined in law. It thus is open to interpretation and subject to varying interpretations from state to state. The government of Maharashtra passed a law in February banning strikes in essential services, including 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. This prohibition is observed in practice.

When abuses, such as intimidation or suppression of legitimate trade union activities, are perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally respond by prosecuting and punishing those responsible. Unaffiliated unions of low caste or tribal workers are not able, in all instances, to secure for themselves the protections and rights provided by law. However, six men were convicted in 1998 on charges related to the 1991 killing of tribal union leader Shankar Guha Niyogi. The gunman was sentenced to death, while industrialist Chandrakant Shah and four others received life sentences. On appeal, the Madhya Pradesh High Court released four of the six men, including Shah. After much deliberation, the government decided not to appeal the High Court judgment to the Supreme Court.

According to Ministry of Labor statistics, during the first 9 months of the year there were 601 strikes and lockouts throughout the country, involving 400,000 workers. In all, 3.9 million "person-days" were lost due to strikes and 4 million "person-days" were lost due to lockouts during this period. For example, in January over 800,000 Bihar government employees, including teachers, went on strike demanding wages on a par with those paid by the central Government and raising the retirement age. The strike ended on May 7, with the Bihar government conceding to worker demands. In May over 10,000 temporary contract workers in West Bengal belonging to the Center of India Trade Unions affiliated with the Communist Party of India-Marxist (CPM) went on strike demanding permanent jobs for themselves as well as jobs for those displaced by Haldia Petrochemicals Ltd. and other local persons. In October truck operators went on strike over a 35 percent hike in diesel prices.

The Kerala High Court declared in July 1997 that all general strikes (bandhs) were illegal and all organizers of protests would be liable for losses caused by shutdowns. Later in the year, the Supreme Court of India 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 remained a potential threat to their activities. Other court rulings during 1997 also declared strikes illegal and made striking workers pay damages because consumers and the public suffered during strikes.

In January the Government announced plans to establish a national commission on labor to review and reform labor laws. The planning commission was set up and reportedly is preparing a comprehensive labor code to replace current central and state labor laws.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions, while the All India Trade Union Congress is affiliated with the World Federation of Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—The right to bargain collectively has existed for decades. The Trade Union Act prohibits discrimination against union members and organizers, and employers may be penalized if they discriminate against employees engaged in union activities.

Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defend worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there are 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.

In practice legal protections of worker rights are effective only for the 30 million workers in the organized industrial sector, out of a total work force of more than 397.2 million persons. Outside the modern industrial sector, laws are difficult to enforce. Union membership is rare in the informal sector, and collective bargaining does not exist.

There are seven export processing zones (EPZ's). Entry into the EPZ's ordinarily is limited to employees. Such entry restrictions apply to union organizers. Each company buses its workers directly to and from the factory door. While workers in the EPZ's have the right to organize and to bargain collectively, union activity is rare. In addition unions have not pursued vigorously efforts to organize private-sector employees anywhere in the years since EPZ's were established. There have been efforts to organize workers in the EPZ's and unions have complained that these attempts were suppressed in Kerala and Gujurat. The fact that organizers are barred from EPZ's and workers are bused to EPZ's helps prevent unions from forming. Women constitute the bulk of the work force in the EPZ's. The International Confederation of Free Trade Unions reports that overtime is compulsory in the EPZ's, that workers

often are employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers fear that complaints about substandard working conditions would result in their being fired. In March the Union Ministry of Commerce announced its intention to convert all EPZ's into free trade zones and eliminate government interference in their functioning. Trade unions fear that this would lead to a curb in worker rights in these zones and have asked the Government not to implement the plan; by year's end, the plan had not been implemented.

c. *Prohibition of Forced or Compulsory Labor.*—Both the Constitution and specific statute prohibit forced or compulsory labor, and Bonded labor, as a form of compulsory labor, also is prohibited by statute; however, such practices are widespread. The Bonded Labor System (Abolition) Act of 1976 prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions are rare. Enforcement of this statute, which is the responsibility of state governments, varies from state to state and has not been effective due to the lack of adequate resources for enforcement and, to some extent, to societal acceptance. Some NGO's estimate that the number of bonded laborers is 5 million persons; however, in a report released during the year, Human Rights Watch estimated that 40 million persons, including 15 million children, are bonded laborers (see Section 6.d.). The report notes that the majority of bonded laborers are Dalits (see Section 5), and that bondage is passed from one generation to the next.

A Supreme Court decision defined forced labor as work at less than the minimum wage, which is usually set by the state governments. Under this definition, which differs from that of the International Labor Organization (ILO), forced labor is 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, is illegal but widespread. The Government estimates that between enactment of the Bonded Labor (Abolition) Act in 1976 and March 1993, 251,424 bonded workers were released from their obligations. Other sources maintain that those released constituted only one-twentieth of the total number of bonded laborers. State governments are responsible for enforcing the act. In February 1997, the Supreme Court required state governments to file detailed affidavits on the status of bonded labor. Some press reports indicate that Tamil Nadu alone has an estimated 25,800 bonded laborers, in response to which the state government is working on rehabilitation plans. It has allocated $1.25 million (54.4 million rupees) for these plans. Following the state government responses, the Supreme Court directed each state to undertake a survey of bonded laborers. In West Bengal, organized traffic in illegal Bangladeshi immigrants is a source of bonded labor (see Section 6.f.). Calcutta police arrested five members of such a gang on May 19 and detained 52 Bangladeshis who had entered the country illegally, including 19 children. In June the Union Ministry of Labor directed state government officials in Bihar to ensure that freed bonded laborers do not revert to bondage; 74 low caste laborers were released from bondage by the state labor department during the year. Some 900 laborers were released from bondage in Arunachal Pradesh, in conformity with a Supreme Court order.

The working conditions of domestic servants and children in the workplace often amount 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, have little choice in the matter. There are no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claim that they cannot stop this practice because the children are working with their parents' consent. In addition, in the following industries, there is a reasonable basis to believe that products were produced using forced or indentured child labor: 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).

In October 1998, a Human Rights Watch team headed by the Karnataka state labor commissioner conducted surprise inspections on silk twining factories in and around the town of Magadi. The team found 53 child workers under the age of 14 years working in the plants. The inspections revealed children locked in plants, forbidden to talk to each other, and beaten for slow work. The labor commissioner estimated that there were 3,000 bonded child laborers in the Magadi silk twining factories.

Female bondage, forced prostitution, and the trafficking of women and children for the purpose of forced prostitution are widespread problems (see Section 6.f.). Ac-

cording to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (see Section 1.c.).

In Punjab persons are sold in an organized trade in weekend bazaars for the purposes of forced domestic labor and forced sexual service. In 1998 one person was arrested in connection with this human trade. He was released later on bail.

In December domestic media reported that child laborers were being sold in an organized ring at the annual Sonepur cattle fair in Bihar. According to these reports, children of impoverished families in surrounding districts are brought to the fair and sold in an organized traffic. One reporter talked to a buyer, a shopkeeper, who had paid just $21 (900 rupees) for a 12-year-old child. Persons sometimes are sold into virtual slavery (see Section 6.f.).

In July a spokesman for the South Asian Coalition on Child Servitude (SACCS), a Delhi-based NGO, told the press that SACCS had freed 35 bonded laborers from carpet and sari looms in Varanasi and Allahabad to pay off loans incurred by family members. SACCS filed a complaint against the employers with the NHRC.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Article 24 of the Constitution and the Child Labor (Prohibition and Regulation) Act of 1986 are the principal protections against the exploitation of children in the workplace. Provisions for the protection of children in the workplace also are made in the Beedi and Cigar Workers (Condition of Employment) Act of 1966, the Factories Act of 1948, the Mines Act of 1952, the Motor Transport Workers Act of 1961, the Plantations Labor Act of 1951, and the Minimum Wages Act of 1948. The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.).

The enforcement of child labor laws is the responsibility of the state governments. Enforcement is inadequate, especially in the informal sector where most children who work are employed. The continuing prevalence of child labor may be attributed to social acceptance of the practice and to the failure of the state and federal governments to make primary school education compulsory.

Work by children under 14 years of age is barred completely in "hazardous industries," which include passenger, goods, and mail transport by railway; carpet weaving; cinder picking, cleaning of ash pits; cement manufacturing; building and construction; cloth printing; dyeing and weaving; manufacturing of matches, explosives, and fireworks; catering within railway premises or port limits; beedi (cigarette) making; mica cutting and splitting; abattoirs; wool cleaning; printing; cashew and cashew nut descaling and processing; and soldering processes in electronics industries. In 1998 the Government increased the number of industries and occupations in which child labor is prohibited from 18 to 54.

In addition to industries that utilize forced or indentured child labor (see Section 6.c.), there is evidence that child labor is used in the following industries: Handknotted carpets; gemstone polishing; leather goods; and sporting goods.

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.

Primary school education is not compulsory, free, and universal.

The BJP-led coalition Government continued its predecessors' comprehensive plan to eliminate child labor from hazardous industries and eventually from all industries, but it did not repeat the previous government's pledge to accomplish the first by 2000 and the second by 2010. This program, for which approximately $260 million (11.3 billion rupees) was budgeted, includes the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas where child labor is concentrated, and a public awareness campaign.

Estimates of the number of child laborers range widely. The government census of 1991 puts the number of child workers at 11.28 million. The ILO estimates the number at 44 million, while NGO's state that the figure is 55 million. Interpolation of census figures by the National Labor Institute indicates that of a total of 203 million children between the ages of 5 and 14, 116 million are in school, 12.6 million are in full-time employment, and the status of 74 million is unknown. Most, if not all, of the 87 million children not in school do housework, work on family farms, work alongside their parents as paid agricultural laborers, work as domestic servants, or are otherwise employed. A survey of child labor throughout the country ordered by the Supreme Court in this judgment was completed during 1997 and documented the existence of some 126,665 wage-earning child laborers. When this figure was challenged as patently low, the states conducted a second survey, in which an additional 428,305 child laborers in hazardous industries were found. However, even the combined total of the two surveys understates the true dimension of the problem.

According to the ILO, labor inspectors conducted 13,257 inspections in 1997–98, finding 958 violations of the Child Labor Prohibition Act, prosecuting 676 of these

cases, and obtaining 29 convictions. According to the Government, from 1996–97, labor inspectors conducted 35,886 inspections, over twice as many as the following year. Between 1993 and the end of 1997, the government released about 8,000 children from illegal workplaces and brought charges against approximately 4,000 employers. Since promulgation of the 1987 National Child Labor Policy, the Government has established 77 "rehabilitation" centers for the education and care of children removed from illegal workplaces throughout the country. Some 200,000 to 250,000 children have received care and schooling at these facilities, during which time their families have received a small stipend—usually $2.35 to $4.70 (100 to 200 rupees) monthly, at an estimated cost to the Government of approximately $17.68 million (750 million rupees) per year. According to the Union Labor Minister, the Government spent $63 million (2.7 billion rupees) on these programs in 1998–99. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGO's have worked with the state government to establish a task force for the elimination of child labor.

Employers in some industries also have taken steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi-governmental organization that receives funding from the Ministry of Textiles, has a membership of 2,500 exporters who have subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducts inspections to insure compliance, and allows members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which is a private initiative, operates a similar voluntary label scheme. However, the CEPC states that even with the program it is impossible to ensure that a carpet has been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A private-sector research and consulting firm conducts the inspections, which cover only 10 percent of registered looms. The inspectors have difficulty locating registered looms. The Government also cooperates with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor. Since 1992 it has 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. NGO's also have helped to free children from the work force. The South Asia Coalition on Child Servitude (SACCS) has freed over 34,000 children from the work force, and operates an education and training center for children in New Delhi. Since November 1997, the SACCS and the NHRC have freed 200 children and brought charges against several employers in eastern Uttar Pradesh.

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. A 1996 Supreme Court decision imposed a penalty of about $570 (20,000 rupees) on an employer who violated constitutional and statutory prohibitions on the use of child labor in hazardous industries and ordered the creation of a child labor rehabilitation fund out of which parents and guardians would receive an income supplement payment on condition that the children removed from employment attend school.

The Government continued previous governments' efforts initiated in 1994 to pass more effective laws banning child labor and to enhance the enforcement of existing laws. The Government's program to eliminate child labor is aimed at progressively withdrawing children from the workplace in hazardous industries and placing them in schools through initiatives in education, rural development, women and child development, health, and labor programs. Government efforts to eliminate child labor have touched only a small fraction of children in the workplace. A 1996 Supreme Court decision raised penalties for employers of children in hazardous industries and established a welfare fund for formerly employed children.

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 are observed in industries subject to the Factories Act but largely are unenforced elsewhere and do not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages vary according to the state and to the sector of industry. Such wages provide only a minimal standard of living for a worker and are inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act receive much more than the minimum wage, including mandated bonuses and other benefits. The state governments set

a separate minimum wage for agricultural workers but do not enforce it well. Some industries, such as the apparel and footwear industries, do not have a prescribed minimum wage in any of the states where they are manufactured.

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally are enforced and accepted in the modern industrial sector but tend not to be observed in older and less economically robust industries. State governments are responsible for enforcement of the Factories Act. However, the large number of industries covered by a small cadre of factory inspectors and their limited training and susceptibility to bribery result in lax enforcement.

The enforcement of safety and health standards also is poor. Although occupational safety and health measures vary widely, in general neither state nor central government resources for inspection and enforcement of standards are adequate. However, the courts have begun to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to lack of proper enforcement. Chemical industries are the most prone to accidents. In April 1998, at least 5 persons were killed and 15 others were injured when a mixing tank exploded in a chemical factory near Mumbai. In June five children and an adult were killed in West Bengal while mining coal illegally. According to the Director General of Mines' Safety rules, mining companies must seal the mouths of abandoned underground mines; and open-cast mines are to be bulldozed and reforested. These rules are seldom—if ever—followed. Illegal mining is rampant.

Safety conditions tend to be better in the EPZ's. 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.

f. *Trafficking in Persons.*—The country is a significant source, transit point, and destination for numerous trafficked persons, primarily for the purpose of forced prostitution and forced labor.

Women's rights organizations and NGO's estimate that more than 12,000 and perhaps as many as 50,000 women and children are trafficked into the country annually from neighboring states for the sex trade. According to an International Labor Organization estimate, 15 percent of the country's estimated 2.3 million prostitutes are children. The traffic is controlled largely by organized crime. Corruption at the enforcement level and a lack of government reslve to combat the problem tend to perpetuate it.

There is a growing pattern of trafficking in child prostitutes from Nepal. According to one estimate, 5,000 to 7,000 children, mostly between he ages of 10 and 18, are drawn into this traffic annually. Girls as young as 7 years of age are trafficked from economically-depressed neighborhoods in Nepal, Bangladesh, and rural areas of the country to the major prostitution centers of Mumbai, Calcutta, and Delhi. Currently there are some 100,000 to 200,000 women and girls working in brothels in Mumbai and some 40–100,000 in Calcutta. In Mumbai an estimated 90 percent of sex workers started when they were under 18 years of age; half are from Nepal. A similar profile is believed to exist in Calcutta, though Bangladesh is substituted for Nepal as a key source of underprivileged women trafficked. NGO's in the region estimate that some 6,000 to 10,000 girls are trafficked annually from Nepal to Indian brothels and a similar number are trafficked from Bangladesh.

Within the country, women from economically depressed areas move into the sex trade in the cities.

Many indigenous tribal women are forced into sexual exploitation. According to the Indian Centre 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 come from tribes driven off their land by national park schemes. In Punjab persons of both sexes are sold in an organized trade in weekend bazaars ostensibly as farm labor; many instead are purchased for the purposes of forced sexual service. In 1998 one person was arrested in connection with this human trade. He was released later on bail.

The number of women being trafficked out of India to other countries is comparatively small.

In a study published in 1996, the National Commission for Women reported that organized crime plays a major role in the sex trafficking trade in the country and that women and children who are trafficked frequently are subjected to extortion, beatings, and rape.

Trafficking of persons from within and into the country for forced labor also is a significant problem. In December the media reported that an organized ring was selling children from surrounding areas for labor at the annual Sonepur cattle fair in Bihar. There was a report that a 12-year-old child was purchased for $21 (900 rupees) (see Section 6.c.).

In West Bengal, the organized traffic in illegal Bangladeshi immigrants is a source of bonded labor. Calcutta police arrested five members of one gang on May 19 and detained 52 Bangladeshis who entered the country illegally, including 19 children. Calcutta is a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes are sold into virtual slavery. Many boys, some of whom are as young as age four, end up as riders in camel races in West Asia and the Gulf States, especially to the United Arab Emirates, or begging during the Haj. Girls and women end up either as domestic workers or sex workers.

The country's legal code generally is technically adequate for dealing with the problems of trafficking, violence against women, and prostitution. The Prevention of Immoral Trafficking Act (PITA) of 1986 superseded and strengthened the All-India Suppression of Immoral Traffic Act (SITA). The PITA sought to toughen penalties for trafficking in children, particularly focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The PITA requires police to use only female police officers to interrogate girls rescued from brothels. The PITA also requires the State to provide protection and rehabilitation for these rescued girls. The PITA grants a form of quasi-toleration for prostitution, as prostitution, per se, is not a crime, only solicitation or practice in or near a public place. Some NGO's note that this ambiguity, which is intended to protect the victims of trafficking, has been exploited to protect the sex industry.

However, the country's prostitution and trafficking laws fail to impose on the clients and organizers of the sex trade the same penalties imposed on prostitutes found soliciting or practicing their trade in or near (200 meters) public places. Using the PITA's provisions against soliciting or practicing, police regularly can arrest sex workers, extort money from them, evict them, and take away their children. The client, on the other hand, largely is immune from any law enforcement threat as he only has committed a crime if he is engaged in sex with a sex worker in a public place or is having sex with a girl under the age of 16 years (statutory rape). Similarly, although the intention of the 1986 PITA was to focus enforcement efforts against the traffickers, pimps, and border operators, the opposite currently is the reality; a Calcutta NGO reports that an averag of some 80 to 90 percent of the arrests made under the PITA in West Bengal state in the 1990's are of female sex workers. Implementation of the PITA's provisions for protection and rehabilitation of these women and children brought out of the sex trade is seriously lacking. NGO's familiar with the legal history of prostitution and trafficking laws see the failure of the judiciary to recognize this inequity in the law's practice as a "blind spot," which continues.

NGO's allege that corruption at the enforcement level and a lack of government resolve to combat the problem tend to perpetuate it. Although charged with enforcing the country's laws on prostitution and trafficking in women and children, NGO's, observers, and those in the sex trade uniformly view the police as part of the problem. Sex workers in Mumbai and Calcutta claim that police intervention in their lives usually is characterized by harassment, extortion, and occasional arrests on soliciting charges. Seldom are the police seen as a positive force, addressing the violence of pimps and traffickers while protecting underage girls from bonded sex labor. A commonly held view among sex workers and NGO's is that local police and politicians responsible for the red light areas receive bribes from organized crime networks to protect the lucrative sex trade.

NGO's and others allege that when police take action against brothels suspected of enslaving minors, the resulting police raids often are planned poorly and seldom are coordinated with NGO's or government social agencies. Therefore, the police action often worsens the plight of the girls and women indebted to traffickers and brothel owners. Girls "rescued" from brothels are treated as criminals and often are abused sexually by their police "rescuers" or by the staff of government remand centers where they are 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 increases further as the costs of bribing or legally obtaining release of the girls is added on to their bond of labor. NGO's invariably point to the 1996 police roundup of 476 sex workers in Mumbai when explaining their dim view of forced "sweep" rescues.

As was the case in the 1996 raids, NGO's complain that they seldom are given advance notice of police raids on brothels and therefore are not able to lend valuable assistance in identifying and interviewing underage victims. Nor are the NGO's canvassed by the police for advice or assistance in planning law enforcement action to protect the victims during raids; although over 400 girls and women were arrested in the 1996 raids, few pimps or brothel managers were picked up and none were

prosecuted to conviction. The NGO's found themselves caught off guard by the large-scale police action and were ill-prepared to cope with a sudden huge demand for shelter for these rescued sex workers. As a result, many of the girls were sent to government centers known for their harsh conditions—considered by many to be in a worse state than the brothels. In the end, some of the girls died in state detention and many returned to the sex trade voluntarily, given their lack of options; success stories from this raid were rare.

Some NGO's possess knowledge of trafficking conditions in the brothel areas such as Kamathipura, including identification of traffickers and locations of girls being held captive by brothel owners. However, with the lingering effects of the 1996 raid, most of these NGO's are reluctant to trust the police with this information. Cooperation among NGO's in sharing information and mapping out the magnitude and scope of the trafficking problem in Mumbai has not been significant to date, but appears to be improving. NGO's working to rescue women and girls from forced sexual work report that "complaint-based" police rescues are quite effective. Unlike the "sweep" type rescues such as the one carried out in Kamathipura in 1996, these are focused attempts to rescue a small number of women and girls using specific information about the victim's location, names and appearance, often supplied by NGO's; police responses in such cases frequently has resulted in the rescue of the women and girls involved.

Similar efforts to improve NGO coordination are being made in Calcutta, where some 10 NGO's meet monthly as part of the "Action Against Trafficking and Sexual Exploitation of Children" forum. Every 3 months the group attempts to meet with counterparts from Bangladesh and Nepal. Calcutta NGO's such as Sanlaap also are seeking to build stronger working relationships with local police.

There are roughly 80 NGO's 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, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

MALDIVES

The Republic of Maldives, which comprises 1,190 islands (less than 200 of which are inhabited), with a population of approximately 270,000 persons, has a parliamentary form of government with a very 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 role as the "supreme authority to propagate the tenets" of Islam. Political parties are officially discouraged, and candidates for the unicameral legislature, the People's Majlis, run as individuals. The Majlis selects a single presidential nominee who is approved or rejected in a national referendum. The Majlis must approve all legislation and can enact legislation without presidential approval. Civil law is subordinate to Islamic law, but civil law is generally applied in criminal and civil cases. The judiciary is subject to executive influence.

The National Security Service (NSS) performs its duties under effective civilian control. The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest.

Fishing, small-scale agriculture, and tourism provide employment for over one-half of the work force. Tourism accounts for over one-quarter of government revenues and roughly 40 percent of foreign exchange receipts. Manufacturing accounts for 6 percent of gross domestic product.

The Government restricts human rights in several areas. The Majlis has assumed a more active political role in recent years, and its members routinely differ with government policy on many issues; however, the President's power to appoint a significant portion of the Parliament still constrains citizens' ability to change their government. Arbitrary arrest and detention remain problems. 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. Nevertheless, the Government banned a book in 1997 because it contained derogatory comments about a previous president. The Government limits freedom of assembly and association. There are significant restrictions on the freedom of religion; the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Women face a variety of legal and social disadvan-

tages. Some of these restrictions are linked to the Government's observance of Shari'a (Islamic law) and other Islamic customs. The Government restricts worker rights. Nonetheless, in recent years there has been some progress in certain areas; the courts were reorganized in 1997, and a new Constitution, which provides for the protection of certain fundamental rights, went into effect at the beginning of 1998. In addition, procedural rules limiting indefinite police detention were instituted, and the presidential nominating process involved competition among candidates for the first time in 1998.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—There were no reports of beatings or other mistreatment of persons in police custody during the year; however, convicted criminals may be flogged under judicial supervision when this punishment is prescribed by Islamic law (i.e., only when the criminal confesses to the crime and only for the offenses of marital infidelity and alcohol abuse). There were no public floggings during the year. In 1998 there were two private floggings (carried out without public spectators) due to the confession of an extramarital affair. The man was subsequently banished, and the woman was placed under house arrest for 12 months. Punishments are usually confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permits those who are banished to receive visits by family members.

Amnesty International reported that prisoners have been mistreated, including by being handcuffed to coconut palms, being handcuffed in their cells, and being held in solitary confinement for long periods. Female prisoners reportedly have been jabbed awake for dawn prayers by male prison guards in a humiliating manner.

Prison conditions, including food and prisoner housing, are generally adequate; however, Amnesty International reported that cells may be overcrowded and lack adequate sleeping space. Prisoners are allowed to work in prison and given the opportunity for regular exercise and recreation. Spouses are allowed privacy during visits with incarcerated partners. The country's prison facility was destroyed by fire during the year, and the prisoners were moved to another island with improved conditions. The Government is surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison.

The Government has permitted prison visits by foreign diplomats.

d. *Arbitrary Arrest, Detention, or Exile.*—The 1997 Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for the arrest or detention; however, in 1998 authorities arbitrarily detained foreigners for allegedly proselytizing Christianity and detained citizens who supposedly converted (see Section 2.c.). Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They are not required to obtain warrants for arrests. Based on the results of police investigations, the Attorney General refers cases to the appropriate court. The authorities generally keep the details of a case confidential until they are confident that the charges are likely to be upheld.

Depending upon the charges, a suspect may remain free, detained in prison, or 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. The law providing for the indefinite detention of individuals under investigation was revised substantially in 1998. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual can then be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous three-member civilian commission appointed by the President that can authorize an additional 15 days' detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. There is no right to legal counsel during police interrogation. There is no provision for bail.

The Government may prohibit access to a telephone and non-family visits to those under house arrest. While there have been no reported cases of incommunicado detention in recent years, the law does not provide safeguards against this abuse.

The Government detained three individuals in April 1995 who remained under house arrest without charge until October 1995, when their detention was lifted. No charges were brought against them. The Government has offered no reasons for their detention. However, it is widely believed that their detention was the result of political differences with the Government rather than due to any threat that the men—all of whom are elderly and well known figures—pose to national security. According to an Amnesty International (AI) report in June 1998, Ismail Saadiq, a Maldivian businessman, was taken into police custody possibly for political reasons in Male and later detained because he allegedly had been in contact with a British Broadcasting Corporation (BBC) reporter. According to AI, he previously had been under house arrest for alleged business irregularities, and was told that the media contact violated house arrest rules. The Government claimed that Saadiq was a businessman involved in fraud and corruption. At year's end, the exact details surrounding Saadiq's detention could not be confirmed, but he was convicted of fraud in December 1998, and is awaiting trial on other fraud charges.

There were no reports of the external exile of citizens, although 24 foreigners suspected of proselytization were banished for life in 1998 (see Section 2.c.). The Government sometimes banishes convicted criminals to inhabited atolls away from their home communities; a man who confessed to an extramarital affair in April 1998 was banished for 1 year.

e. *Denial of Fair Public Trial.*—The 1997 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 nevertheless has removed only two judges since 1987. Both dismissals followed the recommendation of the Justice Ministry that found the judges' professional qualifications to be below standard. The President may also grant pardons and amnesties.

In September 1997 the court system, under the Ministry of Justice, was reorganized and court administration has improved. There are three courts: One for civil matters; one for criminal cases; and one for family and juvenile issues. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There is also a High Court on Male, which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as a court of appeals. Under a 1995 presidential decree, High Court rulings can be reviewed by a 5-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 courts, there are 204 general courts on the islands.

There are no jury trials. Most trials are public and are 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 are involved, the Justice Ministry will 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 Islamic law, or Shari'a. Shari'a 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 allows legal counsel in all cases, including those in which the right to counsel was denied in the lower court. Under 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 are equal.

Ilyas Ibrahim, the President's chief rival for the 1993 presidential nomination, and a relative of the President, was tried in absentia in 1994 and sentenced to 15 years' banishment on the charge of illegally attempting to become president and to 6 months banishment for violating his oath as minister. Ilyas returned from his self-imposed foreign exile in 1996 and was placed under house arrest for several months. The President has since pardoned him, and there are no restrictions on his political rights. In November 1998 President Gayoom appointed Ilyas to the Cabinet as Minister of Transport and Civil Aviation. In November, Ilyas was elected to a parliamentary seat from Male.

There were no reports of political prisoners. Amnesty International reports that Wu Mei De, a Chinese national, has been detained since 1993, which AI states ap-

parently occurred as a result of official connivance in a dispute with his former Maldivian business partner. De has been offered the opportunity to leave the country, but has declined to do so.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The 1997 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 1997 Constitution makes residential premises and dwellings 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.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—Law No. 4/68 of 1968 prohibits public statements that are contrary to Islam, threaten the public order, or are libelous. In April 1996, a journalist was sentenced under this law to 2 years' imprisonment for comments made about the 1994 general elections in an article published in the Philippines. On appeal the High Court reduced his sentence to 6 months. The President pardoned the journalist at the beginning of 1997.

The Penal Code prohibits inciting the people against the Government. However, a 1990 amendment to the Penal Code decriminalized "any true account of any act of commission or omission past or present by the Government in a lawfully registered newspaper or magazine, so as to reveal dissatisfaction or to effect its reform."

The Press Council established by the Government in December 1993 is composed of official government and private media representatives, lawyers, and government officials. The Council reviews charges of journalist 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 (recommending reforms and making suggestions for improvement). In 1998, the Press Council organized a 6-month training program for 12 journalists to improve media reporting and accuracy. The Council met regularly, and private journalists were satisfied with its objectivity and performance. Regulations that made publishers responsible for the content of the material they published remained in effect but did not result in any legal actions, despite reports in 1994 that the regulations were under review and that a change was likely. 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.

There were no reports of government censorship of the electronic media, nor were there closures of any publications or reports of intimidation of journalists. However, pornography and material otherwise deemed objectionable to Islamic values may be banned. In January the Government banned the animated movie "The Prince of Egypt," on the grounds that it was offensive to Islam (see Section 2.c.). The Government banned a book in 1997 written by an elderly close relative of the President for its derogatory comments about a deceased previous president, after the relatives of the latter complained. No journalists were arrested during the year. The Government discontinued its practice of providing reporting guidelines to the media in 1994.

Television news and public affairs programming routinely discussed topics of current concern and freely criticized government performance. Regular press conferences instituted with government ministers in 1995 continued. Journalists are more self-confident than in the past; self-censorship appears to have diminished, although it remains a problem. Since it is not clear when criticism violates Law 4/68, journalists and publishers continue to watch what they say, particularly on political topics, to avoid entanglement with the Government.

The Government owns and operates the only television and radio station. It does not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts are aired on the Government television station.

Cable News Network (CNN) is shown, uncensored, daily on local television. In 1996 a company began providing Internet services. The Government enacted no regulations governing Internet access but does seek to block distribution of pornographic material via the Internet.

Although 88 newspapers and periodicals are registered with the Government, only about 60 regularly publish. Aafathis, a morning daily, is often critical of government policy. Another daily, Miadhu, began publishing in 1996, and Haveeru is the evening daily. Both Miadhu's and Haveeru's publishers are progovernment.

There are no legal prohibitions on the import of foreign publications except those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year. There are no reported restrictions on academic freedom. Some teachers are reportedly vocal in their criticism of the Government.

b. *Freedom of Peaceful Assembly and Association.*—The 1997 Constitution provides for freedom of assembly "peaceably and in a manner that does not contravene the law," however, the Government imposes limits on this right in practice. The Home Ministry permits public political meetings during electoral campaigns but limits them to small gatherings on private premises.

The Government registers clubs and other private associations if they do not contravene Islamic or civil law; however, the Government imposes some limits on freedom of association. While not forbidden by law, the President officially discourages political parties on the grounds that they are inappropriate to the homogeneous nature of society. However, many Majlis members were active and outspoken critics of the Government and have stimulated closer parliamentary examination of government policy.

c. *Freedom of Religion.*—Freedom of religion is restricted significantly. The 1997 Constitution designates 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. However, foreign residents are allowed to practice their religion if they do so privately.

There are no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but generally permits the importation of individual religious tracts, such as Bibles, for personal use. It also prohibits non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of Shari'a and may result in a loss of the convert's citizenship.

Islamic instruction is a mandatory part of the school curriculum, and the Government funds the instructors who teach Islam. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications.

In April 1998 the Government asked the Seychelles Government to stop the radio broadcast of Christian programming in the local language, Dhivehi, to the country. However, the broadcasts continued throughout the year. During June 1998, the authorities detained 24 foreigners (including children) for alleged Christian proselytization without explaining the charges against them, and then expelled them from the country for life. Following the expulsion of the foreigners, police took two female citizens into custody for allegedly converting to Christianity. As many as a dozen other citizens were questioned. The women were detained from mid-June to late September 1998, during which time they received extensive counseling. No formal charges were ever brought against them, and they were released to their families. In January the Government banned the animated movie "The Prince of Egypt" on the ground that "its portrayal of the Prophet Moses was offensive to Islam, because all prophets and messengers of God are not to be animated or portrayed in any way" (see Section 2.a.).

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 discourages migration into the capital island of Male or its surrounding atoll. Foreign workers are often kept at their worksites. Their ability to travel freely is restricted, and they are not allowed to mingle with the local population on the islands. The issue of the provision of first asylum did not arise during the year. The Government has not formulated a policy regarding first asylum. There were no reports of forced expulsion of those having a valid claim to refugee status.

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

Citizens' ability to change their government is constrained, as a strong executive exerts significant influence over both the legislature and the judiciary. Under the 1997 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 are 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 for a fifth 5-year term in October 1998. Observers from the South Asian Association for Regional Cooperation found the referendum to be free and fair.

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—2 from each of the 20 inhabited atolls and 2 from Male—and the President appoints 8 members. Individuals or groups are free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There are no political parties, which are officially discouraged.

The office of the President is the most powerful political institution. The 1997 Constitution gives Islamic law 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 is one-third of the total needed for nominating the President, provides the President with a power base and strong political leverage. The President currently is also commander in chief of the armed forces, and is the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

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. However, 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 re-passed with a two-thirds majority. In recent years, the Majlis has become increasingly independent, challenging government policies and rejecting government-proposed legislation.

In 1993 the Majlis introduced a question time in which members may question government ministers about public policy. Debate on the floor has since become increasingly sharp and more open. Elections to the People's Majlis were held in November. According to observers from the South Asian Association for Regional Cooperation (SAARC), the elections were generally free and fair. However, several losing candidates challenged the election results and the courts currently are considering their claims of campaign irregularities.

Women are not eligible to become president but may hold other government posts. For reasons of tradition and culture, few women seek or are selected for public office. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. Three women, two appointed by the President, served in the Majlis before the November elections and sat in the Cabinet. In November, six women ran for seats in the People's Majlis and two were elected. During the November elections, observers from the SAARC noted that women participated equally in the electoral process.

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

Although not prohibited, there are no active local human rights groups. The Government has been responsive to at least one foreign government's interest in examining human rights issues. The Government also facilitated visits of teams of South Asian Association for Regional Cooperation election observers in 1994, 1998, and 1999.

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

The 1997 Constitution declares all citizens equal before the law, but there is no specific provision to prohibit discrimination based on these factors. Women have traditionally been disadvantaged, particularly in terms of education and the application of Islamic law to matters such as divorce, inheritance, and testimony in legal proceedings.

Women.—There are no firm data on the extent of violence against women because of the value attached to privacy in this conservative society. The Government commissioned a study in 1997 from a local nongovernmental organization (NGO) on domestic violence, but it was never completed. Police officials report that they receive few complaints of assaults against women. Women's rights advocates agree that wife beating and other forms of violence are not widespread. Rape and other violent crimes against women are extremely rare. None were reported or prosecuted during the year.

Women traditionally have played a subordinate role in society, although they now participate in public life in growing numbers and gradually are participating at higher levels. Well-educated women maintain that cultural norms, not the law, inhibit women's education and career choices. In many instances, education for girls is curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nonetheless, women enjoy a higher literacy rate (98 percent) than men (96 percent). Due largely to orthodox Islamic training, there is a strong strain of conservative sentiment—es-

pecially among small businessmen and residents of the outer islands—that opposes an active role for women outside the home. However, the Government has undertaken legal literacy programs to make women aware of their legal rights and has conducted workshops on gender and political awareness in the outer atolls. The Government also is constructing women centers in the atolls, which are facilities where family health workers can provide medical services. The women centers also provide libraries and space for meetings and other activities.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Islamic law also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal to only 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. About 10 percent of uniformed NSS personnel are women.

Children.—The Government does not have a program of compulsory education, but provides universal access to primary education. The percentage of school-age children actually in school is as follows: (grades 1 to 5) 99.26 percent, (grades 6 to 7) 96.2 percent, and grades (8 to 10) 51.09 percent. Of the students enrolled 49 percent are female and 51 percent are male. The Government is committed to the protection of children's rights and welfare. The Government is working with the UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government established a National Council for the Protection of the Rights of the Child in 1992. Government policy provides for equal access to educational and health programs for both male and female children. Laws protecting children's rights apply with equal force to children of either sex.

Children's rights are incorporated into law, which specifically protects children 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. The Government is reviewing this law to see if improvements and additional protections are necessary. There is no reported societal pattern of abuse directed against children.

People with Disabilities.—There is no law that specifically addresses the rights of the physically or mentally disabled. During the year, the Government initiated a survey to identify the magnitude of the need in the country. The Government has established programs and provided services for the disabled. There is no legislated or mandated accessibility for the disabled.

Persons with disabilities are usually cared for by their families. When such care is unavailable, persons with disabilities are kept in the Institute for Needy People, which also assists elderly persons. The Government provides free medication for all mentally ill persons in the islands, and mobile teams regularly visit mentally ill patients. The Government provides assistance to the physically disabled and enacted a new building code during the year, which mandated that all new government buildings and jetties must be accessible to disabled persons.

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. There were no reports of efforts to form unions during the year.

The work force consists of approximately 64,000 persons, about 20 percent of whom are employed in fishing. About 16,700 foreigners work in the country, many in tourist hotels, retail/wholesale trade, factories, or on construction projects. The great majority of workers are employed outside of the wage sector. The Government estimates that the manufacturing sector employs about 15 percent of the labor force and tourism another 10 percent.

Workers can affiliate with international labor federations.

In 1995 the U.S. Government suspended Maldives' 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 Maldivian 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 are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers. The Government has exerted pressure in the past to discourage seamen from joining foreign seamen's unions as a means to secure higher wages. There have been

no reported complaints alleging such discrimination or claiming government interference with workers' attempts to join unions in the past 5 years.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is not prohibited by law. However, there were no reports that it is practiced. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—There is no compulsory education law, but more than 96 percent of school-age children to grade 7 are enrolled in school. A 1992 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." An earlier law prohibits government employment of children under the age of 16. There are 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 are not specifically limited by statute. The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). A Children's Unit in the Ministry of Women's Affairs and Social Welfare is responsible for monitoring compliance with the child labor regulations. It relies upon complaints filed with it rather than initiating its own inspections to ensure compliance. As a result, oversight is incomplete.

e. *Acceptable Conditions of Work.*—In 1994 the Government promulgated its first set of regulations for employer-employee relations. The regulations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, termination, etc. There is no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work. Given the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require 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. Employees are authorized 20 days of annual leave, 30 days of medical leave, maternity leave of 45 days, and special annual leave of 10 days for extraordinary circumstances. There are no laws governing health and safety conditions. However, there are regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It is unclear, however, whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labour set up a Labour Dispute Settlement Unit in 1998 to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

In 1997 the Government for the first time worked closely with the International Labor Organization to address a number of labor issues, including the right of association, the right to organize, and acceptable conditions of work. A draft labor law is under consideration by the Government.

f. *Trafficking in Persons.*—There were no reports that persons were trafficked in, to, or from the country.

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the King, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. The King retains important residual powers, but has dissociated himself from direct day-to-day government activities. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Council (upper house). In May the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. In February 1996, the leaders of the Maoist United People's Front (UPF) launched a "People's War" in the midwestern region of the country, which has led to violence in 27 of 75 districts. The insurrection has been waged through torture, killings, and bombings involving civilians and public officials. The Constitution provides for an independent judiciary; however, the courts are susceptible to political pressure and corruption.

The National Police Force maintains internal security. Police reaction to the "People's War" insurgency led to incidents of unwarranted force against prisoners and noncombatants. The army is traditionally loyal to the King and has avoided involvement in domestic politics. The police are subject to civilian control, but local officials have wide discretion in maintaining law and order. The police committed numerous human rights abuses.

Nepal is an extremely poor country, with an annual per capita gross domestic product of approximately $210. Over 80 percent of its 21 million persons support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments are the major sources of foreign exchange. Foreign aid accounts for more than half of the development budget. The economy is mixed, with approximately 50 public sector firms. Many former government firms have been privatized since 1992.

The Government generally respected citizen's human rights in many areas; however, problems remain. The police at times used unwarranted lethal force. One person died in custody due to torture. The police continue to abuse detainees, using torture as punishment or to extract confessions. The police also conducted raids on newspapers suspected of having links to the Maoists. The Government rarely investigates allegations of police brutality or punishes police officers who commit abuses.

Prison conditions remain poor. The authorities use arbitrary arrest and detention. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays before trial remain problems. The Government continues to impose some restrictions on freedom of expression. The Government imposes restrictions on freedom of religion. Women, the disabled, and lower castes suffer from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, forced labor, and child labor also remain serious problems. There were reported instances of forced child labor.

In 1996 Parliament unanimously enacted a bill providing for a permanent human rights commission with the authority to investigate human rights abuses. However, the commission still has not been established.

The Maoist insurgents continued to commit numerous abuses, including killings and bombings.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—On a number of occasions, the Government used unwarranted lethal force against persons suspected of involvement in the "People's War" in the central part of the country. Launched in 1996 by UPF leaders Baburam Bhattarai and Pushpa Kamal Dahal, the "People's War" is a self-declared Maoist insurgency.

In 1997 Amnesty International (AI) reported that police "have repeatedly resorted to the use of lethal force in situations where such force was clearly unjustified." AI's statement was based on an investigation of 50 killings committed by police, mostly in 1996.

In August truck driver Ale Tamang died as a result of torture while in police custody; in October 1998, Ganesh Rai died after being tortured by police while in custody (see Section 1.c.).

The Government continued efforts to combat the Maoist insurgency. In May 1998, the police began a sweep in the mid-western districts. According to press reports, 139 UPF insurgents and 8 police officers were killed during the operation, and there were widespread allegations of police abuses in connection with the sweep. According to Amnesty International, 227 persons were killed in the 1998 police sweeps against UPF insurgents. Official sources admitted that more than 3,000 persons were arrested during police operations aimed at locating UPF members. In June 1998, police Inspector General Kharel stated that 20 to 30 police officers had been charged with abuses against the public in connection with their actions during the sweep. At year's end it was not known whether the officers had been brought to trial.

The insurgents were responsible for numerous abuses. Guerrillas, usually armed with homemade guns, explosives, knives, and sticks, attacked landowners, civilians, government officials, and government facilities in a number of districts. On February 1, Bhotechaur municipality ward chairman Dilli Prasad Chaulagai was attacked by a group of six insurgents. The assailants severed his leg with a khukuri knife (a large, machete-like implement common in rural areas) and shot and killed him. The former chairman of the Ghumkharka municipality, Bhim Prasad Timilsina, was abducted and murdered by three UPF members on February 27. In Rukum in early March, Maoists were suspected of killing Yadu Gautam, a Com-

munist Party of Nepal—United Marxist-Leninist (UML) parliamentary candidate. Gautam reportedly was killed with khukuri knives. Clashes between police and Maoist rebels resulted in a number of deaths, including some during the period prior to and during the elections in May. On March 11, Maoists killed seven police officers in Dang district and on the same day burned to death seven workers of the UML in Rolpa district. Two policemen died and four others were injured in a police-Maoist clash in Baglung on April 10. A policeman died and another two were injured in a May 2 encounter with Maoists in Hajarai. Two more policemen reportedly were killed and several others injured by Maoists in Gaurigoan on May 3. On May 22, Maoists attacked and bombed a police post in Takukot village, Gorkha district. Five police officers and one Maoist reportedly were killed and two persons were wounded in the incident. On June 20, a group of 15 Maoists killed Nepali Congress worker Nara Hahadur Moktan in Kabhre district. On August 4, a police official was killed and a child injured when insurgents attacked a police constable in Siraha district. On August 29, Maoists killed Majhauwa municipality secretary Dhanik Mandal and his son. According to December government figures, since 1996 the insurgency has resulted in the deaths of 1,124 persons, including 109 police officers, 174 civilians, and 841 insurgents. The press has reported over 1,150 deaths.

b. *Disappearance.*—Amnesty International reported that on January 8, lawyer and human rights defender Rajendra Dhakal disappeared after his arrest in Jamdi in Tanahun district. He reportedly was arrested because of his alleged involvement in Maoist violence. Dhakal, along with two teachers arrested at the same time, was taken to the Bel Chantan police post. The teachers later were released. In response to a Supreme Court order later that month to produce Dhakal within 7 days, Gorkha police denied having arrested him. In June the government newspaper reported that families of nine persons missing since police incarceration filed petitions with the Supreme Court, but that no action resulted from the petitions. The newspaper indicated the possibility that the missing persons could have been affiliated with the Maoists. Amnesty International also reported that Bishnu Pukar Shrestha, a secondary school teacher, lawyer, and member of a human rights organization, disappeared after having been forced into a jeep during an arrest in Kathmandu on September 2. In response to a Supreme Court writ of habeas corpus, authorities denied that Shrestha was in custody although he was reportedly being held at the National Police Academy. In December, AI reported that Suresh Ale Magar and Pawan Shrestha were released from the central jail in Kathmandu on December 23 under a Supreme Court order, but were reportedly immediately re-arrested in front of the jail. Amnesty International reported that they were apparently forced into a police van outside of the jail but the police deny having them in custody. At year's end, their whereabouts were unknown. According to local human rights organizations, approximately 70 persons had disappeared after being in police custody during the year and over 125 persons had disappeared in the last 4 years.

In July 1998, Amnesty International reported that Mohan Prasad Ali, a teacher from Dhakeri village in Banke district, was apprehended by police in June 1998. He has not been seen since. In November 1998 AI reported that government officials told members of a delegation that it sent to Nepal that UPF militants had abducted Mohan Prasad Ali. Two men injured at a June 1998 incident at Sakla village, Lal Bahadur Puma and Hari Narayan Sham, were evacuated by helicopter and are also reported to have disappeared. At year's end, the whereabouts of Lal Bahadur Puma and Hari Narayan Sham were unknown. Two student activists taken into custody in 1993 and 1994 remain missing.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and criminal law prohibit torture; however, the police often use torture and beatings to punish suspects or to extract confessions. According to Amnesty International, torture methods include boxing of the ears, beating of the feet, and the rolling of weights over the thighs. Amnesty International noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often took place while detainees were held incommunicado and unable to contact family, doctors, or lawyers (see Section 1.d.). The Government has failed to conduct thorough and independent investigations of reports of police brutality and has refused to take significant disciplinary action against officers involved. Police often are unwilling to investigate and to discipline fellow officers, and persons are afraid to bring cases against police for fear of reprisals. The Constitution provides for compensation for victims of torture, and the Torture Compensation Act, providing for such compensation, was passed by Parliament in 1996. According to Amnesty International, 12 persons made claims under the act in 1998; 6 later withdrew their complaints, reportedly because of fear for their safety. The Government has begun human rights education for the police force. According to an August government newspaper report, the Government suspended seven

police personnel and appointed a high-level commission to probe the death of trucker Ale Tamang following alleged police torture while in custody on the charge of theft. The police allegedly doused the victim's legs with kerosene and set them on fire, dipped them in water, and again burned them. The appointment of the commission came after considerable public criticism. In October 1998, Ganesh Rai died in police custody as a result of torture. Two policemen were suspended in connection with the case.

Human rights groups have reported instances of torture in areas affected by the "People's War." Dozens of male detainees reported having torture inflicted on them by the police, while women in these areas have reported instances of rape and sexual abuse by the police. Representatives of Amnesty International who visited the country after the May 1998 police sweeps against UPF insurgents began reported that they found evidence of "the systematic use of severe torture" by police. AI also raised its concerns over the relative impunity of the police for such actions.

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of arms and limbs. The Maoists most often have targeted political leaders, local elites, and suspected informers, including representatives of the more moderate Communist Party of Nepal—United Marxist-Leninist (UML) and of the Nepali Congress Party (NPC). Throughout the year, Maoists looted banks and bombed or set fire to government offices, hospitals, and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions. There also were cases of intimidation, torture, or other degrading treatment. On February 16, insurgents threw a gasoline bomb at a truck in Kathmandu. No one was injured. Maoists were suspected of bombing the home of Padam Prasad Pokhrel, the civilian official who controls the country's police force, on March 2. No one was injured in the bombing. On March 29, the office of an international NGO in Gadhi, Kabhre district was looted by Maoists. On April 7, a hospital run by the Adventist Development and Relief Agency (ADRA) in Makwanpur district was bombed by the Maoists; no one was hurt. On April 15, in Kathmandu, four suspected Maoists entered a tax office during working hours, poured gasoline in the office, and set fire to it. The perpetrators left pamphlets calling for a general strike. On April 18, insurgents stopped Lalitpur land revenue official Tara Nath Subedi, smeared black paint on his face, and told him to stop accepting bribes. They then doused him with gasoline and tried to set him on fire, but Subedi escaped. On May 1, two policemen and three election officials were injured by a Maoist bomb while heading to Sisna village. On June 8, Maoists attacked Govinda Pahadi of Sindhuli with khukuri knives, and seriously wounded him. On June 25, Maoists attacked Yadu Prasad Wasti and Gunjeswor Neupane in Gorkha district. The two reportedly were tied up with ropes and beaten with polythene pipes. In Tanahu district on August 5, Maoists dragged Raj Lohani, a member of the Nepali Congress district committee, out of a truck carrying some 100 passengers and killed him in front of them. The Maoists called for a general strike on October 8; on the night prior to the strike, bombs exploded in Kathmandu, Gorkha, Bhadrapur, Jhapa, Syangja, Chitwan, Birgunj, and Sindhulimadi. At least 10 persons were injured in the bombings. Bombs were defused by the army in Hetauda and Nuwakot.

On September 22, deputy superintendent of police Thule Rai was abducted by Maoist insurgents in Rukum. He was released on December 20.

Prison conditions are poor. Overcrowding is common in prisons and authorities sometimes handcuff or fetter detainees. Women are normally incarcerated separately from men, but in similar conditions. The Government still has not implemented a provision in the 1992 Children's Act calling for the establishment of a juvenile home and juvenile court. Consequently, children are sometimes incarcerated with adults—either with an incarcerated parent, or, as one local NGO reports, as criminal offenders. The Department of Prisons states that there are no cases of children in jail or custody for offenses they have committed; close to 100 noncriminal dependent children, however, are incarcerated along with their parents (see Section 5). In Rukum district, a 13-year-old boy was arrested in 1997 and accused of being a Maoist. He was held for 6 months with 54 adults in a cell designed for only 15 persons, before a trial date was scheduled.

There has been some improvement in prison conditions. The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of medical facilities in the country, the authorities sometimes place the mentally ill in jails under inhumane conditions.

The Government permits local human rights groups and the International Committee of the Red Cross to visit prisons.

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

often violate this provision. Under the Public Offenses Act of 1970, 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 often hold prisoners longer. The Supreme Court on occasion has ordered the release of detainees held longer than 24 hours without a court appearance. Amnesty International reported that on November 30, 1998, Bhanu Sharma, a pharmacist, was approached by police at his home in Dang district; the police requested medicine. On the way to his shop, the police forced Sharma into a van and took him to the district police office. On January 5, Sharma reportedly was transferred to a police-training center in Kathmandu. On January 13, a writ of habeas corpus was filed in the Supreme Court, and Sharma was released on February 7.

Detainees do not have the legal right to receive visits by family members, and they are permitted access to lawyers only after the authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison. Persons have a right to legal representation and a court appointed lawyer, but government lawyers or access to private attorneys is provided only on request. Consequently, those unaware of their rights may not have legal representation. There is a system of bail, but bonds are too expensive for most citizens. According to the Department of Prisons, over half of the 6,000 persons imprisoned are awaiting trial. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeds the period to which persons subsequently are sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquillity, amicable relations with other states, and relations between citizens of different classes or religions. Persons whom the Government detains under the act are considered to be in preventive detention and can be held for up to 6 months without being charged with a crime. 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 (see Section 1.b.). Since the insurgents began their terrorist campaigns, 5,178 Maoist-related arrests had been made through December. Of those arrested 1,518 had been charged with crimes and were awaiting trial. The remainder had been released.

The 1991 amendments to the Public Security Act allow the authorities to 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. In 1997 the police asked the Government to enact legislation that would extend the maximum time of detention under the act to between 2 and 10 years; by year's end, no action was taken on this request.

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. Under this act, the Government detained hundreds of civil servants during a 55-day antigovernment strike in 1991. Human rights monitors express concern that the act vests too much discretionary power in the Chief District Officer (CDO), the highest-ranking civil servant in each of the country's 75 districts. The act authorizes 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 come to light, since it has become more common, particularly with the Maoists, to arrest persons under the Public Security Act.

Under the Public Offenses Act hundreds of persons were arrested on March 18, 1996 for staging a peaceful protest of the human rights situation in China organized by Amnesty International in Kathmandu. Although most were released the same day, several AI officers and 14 Tibetans were held in jail for up to 7 days, some without being charged. Amnesty International reported that many persons interviewed by AI investigators after the May 1998 sweeps against the UPF reported one or more of the following: That they were detained without having been given arrest warrants at the time of the arrest; that they were not presented before a judicial authority within 24 hours, as required under the Constitution; that they were held for periods longer than the 25 days allowed under the Public Offenses Act; that they were not told of the charges against them; and that they were denied access to an attorney, at least during the initial period of their detention. Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.).

The Constitution prohibits exile; it is not used.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary and the Supreme Court has demonstrated independence; however, lower level courts remain vulnerable to political pressure. In addition, bribery of lower level judges and court staff is endemic.

The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. It has ruled that provisions in the 1992 Labor Act and in the 1991 Nepal Citizenship Act are unconstitutional. In 1995 the Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the body restored.

Appellate and district courts have become increasingly independent, although they sometimes bend to political pressure. 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 CDO's in violating detainees' rights. These groups allege that arrest without a warrant, prolonged detention without trial, and police torture occur in these 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 is also responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there is no jury system.

Delays in the administration of justice are a severe problem. According to the latest statistics, approximately 150,000 cases are active throughout the country. The Supreme Court has a backlog of approximately 15,000 cases, which it expects to take 4 years to clear. A case appealed to the Supreme Court may take more than 10 years to conclude.

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 for public trials, except in some security and customs cases. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons. The King can also suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners—if they have served 75 percent of their sentence and shown good behavior—on national holidays.

Although the Constitution provides for the right to counsel, there were reports of cases in which authorities allegedly penalized attorneys involved in the defense of human rights. Amnesty International reported that on January 8, lawyer and human rights defender Rajendra Dhakal was arrested in Tanahum district; the police had reportedly obtained a warrant for his arrest because of his alleged involvement in Maoist violence. Dhakal, who was chairman of the Gorkha district bar association and a member of the local human rights organization Forum for Protection of Human Rights (FOPHUR), had been arrested repeatedly since the start of the Maoist insurgency. Dhakal reportedly has disappeared since his arrest, as has teacher, lawyer, and human rights organization member Bishnu Pukar Shrestha (see Section 1.b.). Kathmandu newspapers reported that in July four lawyers pleading for a group of detained journalist themselves were ordered detained by district judge Surnedra Bir Sing Basnet as they tried to express their views on the judicial order to detain the three journalists. After other attorneys came to protest the arrests, the attorneys were released (see Section 2.a.).

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. In 1992 the Supreme Court ruled that military courts could no longer 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 took place during the past 4 years.

There were no reports of political prisoners.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Government generally respected the privacy of the home and family. Search warrants are required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. As amended, the Police Act of 1955 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.

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 imposes some

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.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The act includes penalties for violating these requirements. The Act also 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 are now widely available.

There are hundreds of independent vernacular and English newspapers available, representing various political points of view. The Government owns the daily Nepali-language newspaper with the largest circulation. Editors and writers at the Government newspaper practice self-censorship and generally reflect government policy. Ruling political parties have influenced the editorial policy of the government newspaper to their advantage. However, despite the sensitivity of the Government to the "People's War," the press has not faced overt pressure to report on it in a particular way. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders have all been reported in the local press.

Nevertheless, journalists and their advocates are detained on occasion. On January 5, the Kathmandu offices of the weekly newspaper Janadesh were raided, and 13 persons, including 4 journalists, were arrested. Computers and printing materials were seized. Police reportedly did not have a search warrant; the newspaper was accused of having links with Maoists. On April 1, police reportedly seized computers and printing equipment from the Kathmandu office of the newspaper Jwala. The journalists and the newspaper were suspected of having links with Maoists, and Jwala's facilities had been used by the publication Janadesh since it was closed by police in January. In early April, several journalists and a photographer reportedly were arrested in Kathmandu. On April 20, the offices of Mahima and Jana Ahwan, two small pro-Maoist newspapers, were raided by police. On April 28, Krishna Shen, the editor of Janadesh, and two other employees of Janadesh were arrested in connection with the publication of an interview with Baburam Bhattarai, a leader of the Maoists, in the newspaper. Thousands of copies of the paper allegedly were confiscated. Shen remained in detention at year's end. Kathmandu newspapers reported in July that four lawyers pleading for a group of three detained journalists themselves were ordered detained by district judge Surnedra Bir Sing Basnet as they tried to express their views on the judicial order to detain the journalists. The journalists reportedly were detained for publishing a news item entitled "Allegations of Corruption Against a Judge" and were released after agreeing to publish an apology daily for 2 weeks on the front page of their newspaper.

The Government owns the only television station. The Government also owns and controls one radio station that broadcasts on both AM and FM. Television time on the government-owned television station is leased regularly to private producers. Radio reaches the greatest number of persons and has the largest influence. Programming currently reflects a broader range of interests and political viewpoints than prior to the political transformation in 1990.

There are two private radio stations and one community-owned radio station that have their own transmitters. Other private or community-run radio stations lease time on a government-owned transmitter. Six private radio stations have been licensed outside of the capital city. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. Although nongovernment radio stations legally are precluded from broadcasting locally developed news, private stations routinely broadcast news without penalty. Private stations are permitted to rebroadcast news from abroad. Private radio stations, like print media, practice self-censorship. In August one private radio station reported that a government official asked the station to stop a live call-in advice show dealing with the topics of HIV/AIDS and teenage problems. Other talk shows on sensitive topics continued without government comment. The Government does not restrict access to foreign radio broadcasts or to the purchase of television satellite dishes that can access international news from the British Broadcasting Corporation (BBC), the Cable News Network (CNN) and Deutsche Welle. A small but growing number of citizens also have access to foreign news through private cable networks. Indian and Pakistani broadcast television is also readily available in many parts of the country.

The Broadcast Act of 1993 allows private television and FM radio broadcasts, but implementation by the Government has been slow. There are two private cable television networks, which have been operating for close to 3 years in the Kathmandu valley. They provide mainly entertainment programming, but commentary critical of government policies occurs occasionally during publicly broadcast discussion programs.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, so far resisted, on successive governments to open the airwaves and divest government-controlled printing operations.

The Government limits academic freedom to the same extent as it limits the media. No overt efforts to enforce these limitations were reported this year.

b. *Freedom of Peaceful Assembly and Association.*—Although the Constitution provides for freedom of assembly, this right may be restricted by law on vague grounds such as undermining the sovereignty and integrity of the State or disturbing law and order. Persons protesting Chinese human rights policy were arrested and detained in 1996 before and during peaceful protests (see Section 1.d.). On March 11, 27 Tibetan demonstrators were arrested in Pokhara; the police used tear gas and batons to break up the demonstration. All of the protesters were released soon after the incident.

c. *Freedom of Religion.*—The Constitution describes Nepal as a "Hindu Kingdom" (although it does not establish Hinduism as the state religion), provides for freedom of religion, and permits the practice of all religions; however, although the Government generally has not interfered with the practice of other religions, conversion and proselytizing are prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complain of police harassment. Some Christian groups are concerned that the ban on proselytizing limits the expression of non-Hindu religious belief.

The large majority of citizens are Hindu. There are smaller numbers of Buddhist, Muslim, and Christian citizens, as well. On April 2, Christian groups in Kathmandu were prevented from holding a planned Good Friday gathering in a public park in the Lalitpur district of the city because the organizers had not obtained the required permit. Similar Christian gatherings celebrating the Easter period have been allowed in the past. An estimated 400 would-be attendees went to the local district administrative office to protest, and three reportedly were injured when police attempted to disperse the group. Two days later, on Easter Sunday (April 4), the authorities allowed Christians to hold a procession through the streets of downtown Kathmandu and the Lalitpur district, which ended at an open air theater. The required permit was obtained prior to this event.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. However, arrests or detentions for proselytizing are rare, and there have been few incidents of punishment or investigation in connection with conversion or proselytization during the last few years. For approximately 1 month in 1997, a Seventh-Day Adventist aid organization, the Adventist Development and Relief Agency (ADRA), was the subject of slanderous and vituperative attacks in the press by Hindu extremist organizations. These attacks began after a disgruntled former ADRA employee alleged that ADRA had been proselytizing. ADRA denied the allegation. ADRA had links to an Adventist school (established for the children of Adventist workers in the country), which also had been accused of proselytizing. The Government later convened an investigative panel that found the claims baseless and dismissed them. The investigative panel asked ADRA to confine itself to the relief and welfare activities for which it was registered; since ADRA already confined its activities to these areas, the request posed no new limitations. However, to clarify its function and role, ADRA severed all official ties to the school. As of year's end both ADRA and the school were operating normally.

In March a foreign medical doctor who had been operating a missionary-run clinic in Kathmandu visited the Home Ministry to renew his visa but learned that the Ministry had canceled his visa 8 months before. The Home Ministry detained him for 2 nights and then deported him on March 31. The Government never gave an exact reason for canceling the visa or for the deportation; the doctor believes that a former business partner made allegations to the Government that the doctor had proselytized.

For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have not faced religious discrimination. Missionary schools are among the most respected institutions of secondary education in the country; most of the country's governing and business elite graduated from Jesuit high schools. Many foreign Chris-

tian organizations have direct ties to Nepali churches and sponsor Nepali priests for religious training abroad.

The Constitution prohibits discrimination on the basis of caste, except for traditional religious practices at Hindu temples, where, for example, members of the lowest caste are not permitted.

The Press and Publications Act, among other things, prescribes penalties for the publication of materials that create animosity among persons of different castes or religions. In August 1998, an Internet service provider warned a group of foreigners to stop a religiously oriented electronic discussion group because the content of the discussions violated laws against proselytizing.

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, the Government restricts travel to some areas near the Chinese border for foreign tourists and for foreign residents, such as Tibetans residing in the country. 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 are traveling to the Gulf states for other reasons, nor do they apply for travel to other areas. Women's rights groups have protested the ban as discriminatory. The Government allows citizens abroad to return, and is 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 United Nations High Commissioner for Refugees (UNHCR), and with other humanitarian organizations, in assisting refugees from Bhutan and Tibet (China). The UNHCR has maintained an office in Kathmandu since 1989. Since 1959 the Government has accepted approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to some 97,000 Bhutanese refugees, the great majority of whom are now living in UNHCR-administered camps in the eastern part of the country.

In 1995 the Government reversed a 1960's decision to suspend the issuance of identification cards to Tibetans legally residing in Nepal before 1989, and again began to issue them identification cards. However, later that year the program was suspended yet another time in connection with a change in government, and there remained many Tibetans with no form of identification and no permanent status. Undocumented Tibetan residents faced difficulties in obtaining basic rights and were unable to travel abroad or to access such services as banking. In 1998 the Government reactivated the program and by year's end completed documenting the remaining Tibetans legally residing in the country.

China and the Government of Nepal tightened control of movement across their border in 1986, but both sides have enforced these restrictions haphazardly. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. Border police often extort money from Tibetans in exchange for passage. With the change from a Communist Party government to a coalition government headed by the Nepali Congress Party in September 1995, the former practice of forcibly returning asylum seekers to China has stopped. There were no reports of forced expulsion of Tibetan asylum seekers during the year.

There are approximately 97,000 ethnic Nepali refugees from Bhutan in UNHCR-administered camps in the southeastern region of the country. An additional 15,000 refugees reside outside the camps in either Nepal or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population.

The UNHCR monitors the condition of the Bhutanese refugees and provides for their basic needs. The Government accepts the refugee presence as temporary, on humanitarian grounds, but offers little more than a place to stay. The Government officially restricts refugee freedom of movement and work, but does not strictly enforce its policies. Living conditions in the camps have improved dramatically since 1992. Adequate clean water is available and health, sanitation, and nutrition standards are acceptable. Violence has sometimes broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through a refugee-affected areas assistance plan aimed at improving conditions in communities adjacent to the camps.

In 1993 the Governments of Nepal and Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem and to determine different categories of refugees in preparation for future repatriation. After a 3-year hiatus, an eighth round of bilateral talks was held in September. Since that time, the foreign ministers of Nepal and Bhutan have met twice for informal talks on the refugee issue. The limited progress in bilateral negotiations has led to increased frustration

in the camps and to a recent campaign of "peace marches" in 1998 and 1999 by refugees seeking to return to Bhutan.

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

Citizens, through their elected representatives, 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.

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. The Constitution grants suffrage to all citizens aged 18 and over.

The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Council, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house may also introduce legislation and send it to the lower house for consideration.

The King exercises certain powers with the advice and consent of the Council of Ministers. These include 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 also permits the King to exercise emergency powers in the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King may suspend without judicial 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 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 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.

National elections were held in two rounds in May. The Nepali Congress Party (NCP) won 54 percent of the seats in the lower house and formed the first majority government since 1994. Clashes between police and Maoist rebels in May left several persons dead and many injured (see Sections 1.a. and 1.c). There were sporadic incidents of violence during the voting on May 3 and May 17; the violence occurred mainly between supporters of rival political parties. On May 17, four bombs were defused in Karaiya village in Rupandehi district. However, unlike the 1997 local elections, when Maoist violence and threats forced the postponement of voting in parts of 15 of the 75 electoral districts, for the most part the elections were held throughout the country according to schedule. In polling stations where the voting on May 3 was postponed, the voting took place on May 5 and 6; in polling stations where the voting on May 17 was postponed, the voting was held May 19-21. Maoist efforts to disrupt the elections by intimidating voters and candidates had little effect. Voter turnout was 66 percent, significantly higher than in previous elections. International observers considered the elections to be generally free and fair.

There are no specific laws that restrict women, indigenous peoples, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and of some castes and tribes in the political process. However, the Constitution requires that women constitute 5 percent of each party's candidates for the House of Representatives. A royal ordinance, which since has been ratified by Parliament, also requires that 20 percent of all village and municipal level seats be reserved for female candidates. The spring 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.

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

There are approximately 10 NGO human rights organizations. These include the Human Rights Organization of Nepal (HURON), the Informal Sector Services Center (INSEC), the International Institute for Human Rights, Environment, and Development (INHURED), and the Forum for the Protection of Human Rights (FOPHUR). The Nepal Law Society also monitors human rights abuses and a num-

ber of NGO's focus on specific areas such as torture, child labor, women's rights, or ethnic minorities. Groups are free to publish reports on human rights abuses. The Government also has allowed groups to visit prisons and prisoners. The Government rarely arrests or detains those reporting on human rights problems, but in June 1998 the police arrested Gopal Siwakoti Chintan, a human rights activist, for alleged collaboration with the UPF. The police also confiscated audiotapes and videotapes of interviews with victims of human rights violations from Chintan's office. The police later released Chintan due to a lack of evidence that he had collaborated with the UPF. There were reports that the Government and UPF militants limited the activities of human rights activists.

In 1996 the Parliament enacted the National Human Rights Commission Act, which called for a government-appointed commission to investigate charges of human rights violations. However, none of the six governments in office since the passage of the act has convened the commission. In July the Supreme Court ordered the Government to set up the human rights commission immediately. After the July order, editorials and human rights groups were vocal in calling for the new Government to activate the commission. As they blocked traffic in August to demand the implementation of the court order, 29 human rights activists were arrested. In September the Government organized a task force to work on the implementation of the National Human Rights Commission Act, including establishing a budget and providing for an office for the Human Rights Commission. The task force made its recommendations to the Cabinet in late December.

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

The Constitution specifies that the State shall not discriminate against citizens on grounds of religion, race, sex, caste, or ideology. However, there is still a caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women.—Violence against women is a serious problem. There is no law against domestic violence, which is widespread. In one study, 50 percent of the respondents said that they know someone who was the victim of domestic violence. In another survey, respondents listed the perpetrators of violence in 77 percent of incidents as family members, and 58 percent reported that it is a daily occurrence. Little public attention is given to violence against women in the home; the Government makes no special effort to combat it.

Rape and incest are also problems, particularly in rural areas. Laws against rape provide 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 1-year's imprisonment or a fine for the rape of a prostitute.

There is a general unwillingness among citizens, and particularly among government figures, to recognize violence against women as a problem. In a survey conducted by Saathi, a local NGO, 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 is seen not just in the medical profession, but among the police and politicians as well.

The police department has a "women's cell" in five cities, including Kathmandu. These cells are made up entirely of female officers, who receive 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 is difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution seldom is pursued by the victim or by the Government.

At least six NGO's 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 provides housing, medical attention, counseling, and legal advocacy for the victims of violence.

Two conferences were held in 1997 that focused on the problem of violence against women. One was a national conference of NGO's, government officials, and parliamentarians organized by the NGO Saathi. The Government announced new initiatives at the meeting, including the formation of a new National Women's Commission to help guide government policy. The conference participants formulated a common strategy to unite NGO efforts in the field, as well. There was also an international conference organized by the UNICEF regional office for South Asia.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on dowry payments is rare, but does occur. More

common is 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.

Trafficking in women remains a deeply ingrained social 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 Sections 6.c. and 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government has not taken significant action to implement its provisions. Women face 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 changes in marriage and inheritance laws. In 1994 the Supreme Court struck down provisions of the Citizenship Law that discriminated against foreign spouses of Nepalese women. However, many other discriminatory laws still remain. According to legal experts, there are more than 20 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. In 1995 the Supreme Court also ordered the Council of Ministers to enact legislation within 1 year giving women property rights in regard to inheritance and land tenancy that were equal to those of men. To comply with this order, the Government introduced an amendment to the Civil Code in April 1998 that would have allowed daughters to inherit parental property, but only if they remained unmarried until the age of 35. Moreover, if a woman married after age 35, the amendment stipulated that she would be obliged to return the inherited property. At year's end, this amendment, which would appear to only partially meet the requirements of the Supreme Court, remained stalled in Parliament.

According to the 1991 census, the female literacy rate is 26 percent, compared with 57 percent for men. Human rights groups report that girls attend secondary schools at a rate half that of boys. There are now many NGO's focused on integrating women into society and the economy. These NGO's work in the areas of literacy, small business, skills transfer, and against trafficking in women and girls.

There are a growing number of women's advocacy groups and most political parties have women's groups. Members of Parliament have begun working for the passage of tougher laws for crimes of sexual assault, but have had little success so far.

Children.—Although education is not compulsory, the Government provides free primary education for all children between the ages of 6 and 12, but many families cannot afford school supplies or clothing. Schools charge fees for further education. Free health care is provided through government clinics, but they are poorly equipped and too few in number to meet the demand. Community-based health programs assist in the prevention of childhood diseases and provide primary health care services. Due to poor or nonexistent sanitation in rural areas, many children are at risk from severe and fatal illnesses.

The Children's Act of 1992 provides legal protection for children in the workplace and in criminal proceedings. Although it calls for the establishment of child welfare committees and orphanages, the Government has established few such facilities. The Labor Act of 1992 prohibits the employment of minors less than 14 years of age, but employers, particularly in the informal sector and in agriculture, widely ignore the law.

Children under the age of 16 work in all sectors of the economy. Children's rights groups estimate that up to half of all children work. As recently as early 1994, the carpet industry employed an estimated 23,000 children, or nearly one-third of all workers in that industry. Due to negative publicity in consumer nations, these figures have declined and children now account for less than 2,000 workers (see Section 6.d.). In 1996 a consortium of carpet manufacturers established a certification system for carpets made without child labor. The Ministry of Labor is increasing its efforts to monitor the use of child labor. Children continue to work in the agriculture, pottery, basket weaving, sewing, weaving, and ironsmithing industries. There also were reports that the UPF uses children as messengers and runners. Forced child labor exists, but only limited instances have been reported in recent years (see Section 6.c).

Forced prostitution and trafficking in young girls remain serious and deeply ingrained problems (see Sections 6.c. and 6.f.).

Social 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, child brides are common. According to the UNICEF's Regional Office

for South Asia, 40 percent of all marriages are consummated with a girl under 14 years of age. The age difference in marriage is often cited as one cause of domestic violence.

A local NGO reports that approximately 100 children considered delinquents or accused of public offenses are incarcerated with adults because the Government has not established juvenile homes. Some of these delinquent children allegedly are as young as 9 years old, even though, under the law, children under 18 cannot be charged with crimes; the Government maintains that there are no persons under the age of 18 that are incarcerated for crimes they have committed. However, according to the press, close to 100 children are in jails as noncriminal dependents of incarcerated adults (see Section 1.c.).

People with Disabilities.—The disabled face widespread discrimination. Families often are stigmatized by and ashamed of disabled family members, who may be hidden away or neglected. Economic integration is further hampered by the general view that the disabled are unproductive. The mentally retarded are associated with the mentally ill. Sometimes, mentally ill and retarded persons are placed in prisons due to the lack of facilities or support.

The Government has long been involved in providing for the disabled, but the level of government assistance has not met the needs of the disabled. The 1982 Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, to transportation, to employment, to education, and to other state services. However, despite government funding for special education programs, the Government does not implement or enforce laws regarding the disabled. A number of NGO's working with the disabled receive significant funding from the Government, but persons who are physically or mentally disabled rely almost exclusively on family members to assist them.

Religious Minorities.—In the past, disputes during local elections have escalated to isolated clashes between Hindu and Muslim supporters. The country's small but significant Muslim enclaves in the districts along the border with India and in Kathmandu are not well integrated with the larger Hindu majority. The lack of integration between these communities has contributed to this problem.

Some Christian groups report that Hindu extremism has increased in recent years. In January the Hindu chauvinist political party Shiv Sena opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections. Some political figures have made public statements critical of Christian missionary activities. Some citizens are wary of proselytizing and conversion by Christians and therefore view the growth of Christianity with alarm.

Hindu citizens who convert to Islam or to Christianity face isolated incidents of hostility or discrimination from Hindu extremist groups, in addition to possible legal penalties (see Section 2.c.). While this prejudice is not systematic, it can be vehement and sometimes violent. Nevertheless, converts generally do not fear to admit in public their Islamic or Christian affiliations.

The caste system strongly influences society, even though it is prohibited by the Constitution. However, traditional religious practices at Hindu temples are an exception to this prohibition.

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.

Discrimination against lower castes is especially common in the rural areas in the west. Although the Government has outlawed the public shunning of "untouchables," an exception was retained for traditional practices at Hindu religious sites. Economic, social, and educational advancement tend to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, are slowly 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) continue to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories.

In remote areas, school lessons and national radio broadcasts often are conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels is conducted almost exclusively in Nepali, which is constitutionally mandated as the official language of the State. Human rights groups report that the languages of the small Kusunda, Dura, and Meche communities are nearly extinct and that non-Hindu peoples are losing their culture.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution provides for the freedom to establish and to join unions and associations. It permits restriction of unions only in cases of subversion, sedition, or similar conditions. Despite the political transformation in 1990, trade unions are still developing their administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. A prior UML government "automatically" registered its own affiliated unions but interfered in the registration of unions associated with the Nepali Congress Party's labor organization.

Union participation in the formal sector is significant, but it accounts for only a small portion of the labor force. In 1992 Parliament passed the Labor Act and the Trade Union Act, and formulated enabling regulations. However, the Government has not yet fully implemented the laws. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining.

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 affects 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. On March 24, the Government banned all strikes in the communications, transportation, and security sectors, pending the completion of the parliamentary elections in May. This, along with the hiring of replacement crews, ended a pilot's strike that had crippled state-controlled Royal Nepal Airlines since March 15. All but one of the airline's employees were later reinstated.

The Trade Union Act prohibits employers from discriminating against trade union members or organizers. There have been 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. However, labor remains widely unable to use collective bargaining effectively due to inexperience and employer reluctance to bargain.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits slavery, serfdom, forced labor, or trafficking in human beings in any form; however, forced labor and trafficking in persons remain problems (see Section 6.f.). The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Large numbers of women still are forced to work against their will as prostitutes (see Sections 5 and 6.f.). Bonded labor is a continuing problem, especially in agricultural work. Bonded laborers are usually members of lower castes. Bonded labor reportedly occurs among certain ethnic groups in the western Terai region. An estimated 100,000 persons also are forced to work under the "Kamaiya" or bonded labor system in the southern Terai region. These "Kamaiyas" generally are agricultural workers who work for the same landlords their family may have served for many generations. In August the Government announced a program to free about 83,400 bonded laborers by paying off approximately $330,000 (22,500,000 rupees) in debt, by providing laborers with unspecified alternative employment, and by distributing land to the laborers.

The Nepal Labor Act specifically prohibits forced or bonded child labor, but enforcement of this law has been inadequate. The law prohibits forced or bonded labor by children, but it exists in some sectors. Limited instances of forced child labor have been reported, and an estimated 40,000 children work as bonded laborers. Each year, an estimated 5,000 to 7,000 girls between the ages of 10 and 18 are trafficked to India to work as prostitutes (see Sections 5 and 6.f.). In late 1998, police freed approximately 12 children, some as young as 8 years of age, from forced 18-hour days of labor under harsh conditions in a Kathmandu carpet factory. There was a press report in February that during a raid, police found 14 boys aged 15 to 17 who were employed forcibly in a wool factory in Jorpati (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. The law also establishes a minimum age for employment of mi-

nors at 16 years in industry and 14 years in agriculture. The Constitution limits children between the ages of 14 and 16 years to a 36-hour workweek. The law also mandates acceptable working conditions for children. However, both the resources and the commitment devoted to the enforcement of these provisions are limited and child workers are found in many sectors of the economy (see Section 5). Although the law prohibits forced or bonded labor by children, it exists in some sectors (see Section 6.c.). Limited instances of forced child labor have been reported, and an estimated 40,000 children work as bonded laborers.

According to a recent ILO study, up to 40 percent of all children work, mostly in agriculture. According to a recent ILO study, most working children in the country are girls. Roughly 60 percent of the children who work also attend school. However, approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of the girls who work. In 1996 a certification system for carpets made without child labor was established. Of the 207 carpet factories that export, approximately 30 have signed on to this or a similar agreement (see Section 5). Over half of all carpet factories now participate in this or a similar agreement. Partially as a result of this initiative, and of consumer pressure, children now reportedly constitute only 5 percent of the work force in the export-oriented carpet industry, and the carpet manufacturers association in August pledged publicly to end child labor in the industry by 2005. However, children's rights activists say that, in the smaller factories, children are still a large part of the work force. There was a press report in February that during a raid, police found 14 boys aged 15 to 17 who were forcibly employed in a wool factory in Jorpati (see Section 6.c.). In December 1998, police freed 12 children from forced labor in a Kathmandu carpet factory (see Section 6.c). The children were taken to a rehabilitation home and the factory owner was tried, convicted, and sentenced to a prison term of less than 1 year; at year's end, he reportedly had served his sentence and been freed. Children continue to work in the agriculture, pottery, basket weaving, sewing, weaving, and ironsmithing industries. Few or no children work in the garment industry.

The Ministry of Labor's enforcement record is improving. In the urban formal sector, it has had some success in enforcing laws relating to tenure, minimum wage, and holidays. Government inspectors are also increasing their monitoring of the use of child labor in carpet factories. The Government has introduced a number of programs beginning in 1998 that are designed to reduce child labor. For example, the Ministry of Labor has set up three centers for children of carpet weavers, who might otherwise join their parents at the loom. The centers provide day care or education for the children, depending upon their ages. The Government also conducts public awareness programs to raise public sensitivity to the problem of child labor.

e. *Acceptable Conditions of Work.*—In 1997 legislation was passed that raised the minimum wage for unskilled labor to $22 (1,300 rupees) per month from $19 (1,150 rupees). The law also defined monthly minimum wages for semi-skilled labor at $23 (1,350 rupees), skilled labor at $25 (1,460 rupees), and highly skilled labor at $28 (1,650 rupees). The minimum wage for children ages 14 to 16 was set at $17 (1,025 rupees). These wages are sufficient only for the most minimal standard of living. Wages in the unorganized service sector and in agriculture are often 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 are also 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. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. *Trafficking in Persons.*—Trafficking in women and girls remains a deeply ingrained social problem in several of the country's poorest areas. Nepal is a primary "sending" country for the South Asia region; most women and girls trafficked from Nepal go to India. Estimates of the number of girls and women working as prostitutes in India range between 100,000 and 200,000. The best available data suggest that approximately 5,000 to 7,000 Nepali girls between the ages of 10 and 18 are lured or abducted into prostitution each year. Prostitution is also a problem in the Kathmandu valley. A children's human rights group states that 20 percent of prostitutes in the country are younger than 16 years old. In many cases, parents or relatives sell women and young girls into sexual slavery. Every year, it is estimated that hundreds of girls and women return to the country after having worked as prostitutes in India. Most are destitute, and it is estimated that over 65 percent of such women are HIV-positive when they return. 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 (see Section

2.d.). Women's rights groups have protested the ban as discriminatory. According to press reports, on August 18, five convicted traffickers who had been given 20-year sentences but were released within 3 years attacked a 17-year-old living at the Women's Rehabilitation Center (WOREC). The attackers reportedly attacked her after failing to find another woman who had filed a case against them after she had been rescued from a brothel in Bombay in a 1996 raid. According to WOREC, in spite of the fact that the five had threatened their accuser in an effort to get her to change her story, they were released early from their sentences. WOREC and other organizations involved in the rehabilitation of women who have been trafficked state that their members have been threatened and that their offices have been vandalized because of their activities. However, despite the existence of antitrafficking legislation and recent attempts to increase the imposition of penalties on traffickers, antitrafficking legislation is not well enforced. The fear of the spread of AIDS by returning prostitutes has discouraged the Government from promoting the rehabilitation of prostitutes. Government efforts focus more on preventing prostitution and trafficking in women. The Ministry of Labor and Social Welfare sponsors job and skill training programs in several poor districts known for sending prostitutes to India. In May, the Ministry of Women and Social Welfare opened the Women's Self-Reliance and Rehabilitation Center, a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. Several NGO's have similar programs, including rehabilitation and training programs for victims of trafficking.

In June the police hosted a workshop in Kathmandu to provide recommendations for new legislation regarding trafficking and the sexual exploitation of children. The Prime Minister opened the seminar, and the Minister of Law and Justice, the Attorney General, and the Inspector General of Police all gave presentations. A follow-up workshop was held in July.

PAKISTAN

For most of the year, Pakistan was an Islamic republic with a democratic political system; however, on October 12, the elected civilian government of Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. General Musharraf, in consultation with senior military commanders, designated himself Chief Executive, and suspended the Constitution, the National Assembly, the Senate, and the provincial assemblies. The office of the President, which is mainly ceremonial, was retained. General Musharraf appointed an advisory National Security Council, which included both military and civilian advisers, and a civilian cabinet. The government bureaucracy continued to function; however, at all levels, the functioning of the Government after the coup was "monitored" by military commanders. Prior to the coup, the Prime Minister, selected by a majority within a popularly elected Parliament, had wide constitutional power. The Pakistan Muslim League (PML) Government of Prime Minister Nawaz Sharif, which came to power in February 1997 with a two-thirds Parliamentary majority, passed constitutional amendments (the 13th and 14th) in 1998, which enhanced the power of the Prime Minister by removing the power of the President to dismiss the Government at his discretion and banning defections from political parties, two of the most frequently used methods of bringing down previous governments. These measures, which enjoyed opposition support, were aimed at enhancing political stability at the national level. As a result of these changes, the Sharif Government had greater power than any of its predecessors since the return of formal democracy in 1988. However, the military continued to exercise considerable influence over decision-making. The power of the Government was further enhanced by a 1997 constitutional confrontation between the Prime Minister and the Chief Justice of the Supreme Court over the selection of five new justices for the Court. As a result of this struggle, the former President resigned in December 1997, and the Prime Minister's candidate was elected by the Parliament to the presidency. That same month, a Supreme Court panel deprived the Chief Justice of his position and a new Chief Justice was sworn in. Some observers feared that this confrontation damaged the prestige and independence of the judiciary. The Constitution provided for an independent judiciary; however, it was subject to executive branch influence. Nonetheless, the Supreme Court demonstrated a continued degree of independence on a number of occasions prior to the coup. Corruption and inefficiency are problems in all branches.

Responsibility for internal security rests primarily with the police, although paramilitary forces, such as the Rangers and 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 paramilitary forces when they are assisting in law and order operations. The regular army also occasionally is deployed to assist in maintaining public order in sensitive areas during certain religious holidays. After the coup, the army played a role in enforcing exit control restrictions at airports and border crossings as part of the Musharraf regime's accountability efforts. Members of the security forces committed numerous serious human rights abuses.

Pakistan is a poor country, with great extremes in the distribution of wealth. Its per capita annual income is $490. The overall illiteracy rate is 62 percent, and is even higher for women. Cotton, textiles and apparel, rice, and leather products are the principal exports. The economy includes 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. The Government has made several economic reforms, including privatizing state-owned enterprises and reducing tariffs. Politically driven confrontations with Independent Power Projects (IPPS) and the Government's inability to repay investors in hard currency have damaged investor confidence and hampered privatization.

The Government's poor human rights record deteriorated under the Sharif Government, and there were serious problems in several areas; however, the situation worsened with the seizure of power by General Musharraf, in that after the coup, citizens no longer had the right to change their government peacefully. Despite attempts to reform and to professionalize the police, both before and after the coup police committed numerous extrajudicial killings and tortured, abused, and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, there is no evidence that any police officers were brought to justice. In general, police continued to commit serious abuses with impunity. Prison conditions remained poor, and police arbitrarily arrested and detained citizens. In Karachi killings between rival political factions often were carried out with the assistance of criminal gangs; however, many such killings also were believed to have been committed by or with the participation of security forces. The Sharif Government used the "accountability" process—which supposedly was designed to expose previous wrongdoing, recoup ill-gotten gains, and restore public confidence in government institutions—for political purposes by harassing and arresting a number of prominent politicians and bureaucrats connected with the main opposition party. Few of those arrested and questioned were put on trial; however, former Prime Minister Benazir Bhutto and her husband were convicted on corruption charges in April. Bhutto was sentenced to 5 years in prison, disqualified from holding public office, and fined. The Musharraf regime used arbitrary detention, including incommunicado detention, against political figures from the Sharif Government and their families; and the Musharraf regime's anti-corruption campaign violated due process. Case backlogs under both Governments led to long delays in trials, and lengthy pretrial detention is common. The judiciary is subject to executive and other outside influence, and suffers from inadequate resources, inefficiency, and corruption. Despite concerns about damage to the judiciary due to the December 1997 confrontation between the Prime Minister and the Chief Justice of the Supreme Court, there were instances prior to the coup in which the Supreme Court showed a continued degree of independence. While in February 1998 the Sharif Government ceased using military courts to try certain civilian cases at the demand of the Supreme Court, special antiterrorism courts expanded their jurisdiction to include murder, gang rape, child molestation, and "illegal" strikes. These courts are authorized to try terrorists swiftly, and those convicted may appeal only to a higher military court. In October 1998, the National Assembly voted for a 15th constitutional amendment, which would oblige the Government to enforce Shari'a (Islamic law). However, the Senate did not vote on the measure before it was suspended by the Musharraf regime in October. Both the Sharif Government and the Musharraf Government infringed on citizen's privacy rights. Although the press continued to publish relatively freely, the Sharif Government used its large advertising budget to influence content, journalists practiced self-censorship, the broadcast media remain a closely controlled government monopoly, and the Sharif Government made several attempts to curb press criticism. In particular, the Sharif Government continued its actions against the Jang newspaper group and jailed and harassed prominent journalists such as Friday Times editor Najam Sethi. The Musharraf regime appeared to cease direct attempts to manage the press, which were common under the Sharif Government. The Sharif Government imposed limits on the freedom of assembly. Although it allowed a number of large-scale, antigovernment demonstrations to take place, it also prevented demonstrations and strikes and arrested organizers when it believed that security was threatened, particularly in advance of the

September 4 strike called by general traders and sponsored by opposition parties. The Sharif Government limited freedom of association, and targeted the activities of nongovernmental organizations (NGO's), revoking the licenses of almost 2,000 NGO's in Punjab. Both Governments imposed limits on freedom of religion, particularly for Ahmadis. Three Ahmadis sentenced in 1997 to life in prison for blasphemy remain incarcerated. Both Governments imposed limits on freedom of movement. Governor's Rule continued in Sindh province until the coup, under which its citizens continued to be denied democratic representation at the provincial level. The Prime Minister in June appointed an Advisor for Sindh Affairs, who exercised executive authority in the province without a popular mandate. After the coup, Sindh shared the same status as the other provinces; assemblies in the other provinces were suspended and General Musharraf appointed governors for all four provinces. The Musharraf Government spoke out against some of the human rights abuses of the previous regime and appointed NGO representatives to a number of senior positions, but it was not clear at year's end whether the Musharraf regime would take concrete steps to address such problems.

Significant numbers of women were subjected to violence, abuse, rape, trafficking, and other forms of degradation by their spouses and members of society at large. The Government failed to take action in a high profile "honor killing" case and such killings continued throughout the country. There was considerable discrimination against women, and traditional social and legal constraints kept women in a subordinate position in society. Violence against children, as well as child abuse, prostitution, and trafficking remained problems. Female children still lag far behind boys in education, health care, and other social benefits. There was considerable discrimination against religious minorities. Both Governments as well as sectarian groups continued to discriminate against religious minorities, particularly Ahmadis and Christians. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances. The Government and employers continued to restrict worker rights significantly. Bonded labor by both adults and children remained a problem. Debt slavery persisted. The use of child labor remained widespread, although it now generally is recognized as a serious problem, and industrial exporters have adopted a number of measures to eliminate child labor from specific sectors. Mob violence and terrorist attacks remained problems.

In May heavy fighting broke out between Indian forces and Kashmiri militants in the Kargil sector of Indian-held Kashmir, and continued until July. Regular Pakistani forces were also involved in the conflict. Civilians were killed on both sides of the line of control during the conflict, and tens of thousands of persons were displaced on both sides of the line of control.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Police committed extrajudicial killings. The extrajudicial killing of criminal suspects, often in the form of deaths in police custody or staged encounters in which police shoot and kill the suspects, is common. Police officials generally insist that these deaths occur during attempts at escape or at resisting arrest; family members and the press insist that many of these deaths are staged. Police have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. After an attempt was made on the Prime Minister's life in early January, as many as 40 Sunni extremists associated with the Lashkar-i-Jhangvi, the group believed responsible, may have been killed in police encounters. The Human Rights Commission of Pakistan (HRCP) estimates that there were 161 extrajudicial killings in the first 4 months of the year. In March the Sindh Home Department conceded that at least two incidents since imposition of Governor's Rule resulted in extrajudicial deaths. Press reports note that in Punjab alone 265 individuals were killed in 182 encounters with police between January and June. The Urdu daily newspaper Khabrain reported on December 6 that there were 285 police encounters in Punjab in the first 10 months of the year and that 357 persons lost their lives. In October there were reports of police encounter killings of members of the Sipah-e-Sahaba Pakistan (SSP) and the Lashkar-i-Jhangvi by the police in Punjab, following a wave of sectarian violence in the province (see Section 2.c.). Estimates of SSP and Lashkar-i-Jhangvi members killed by police in this manner range from 16 to 40 persons. Police officials maintain in private that due to the lack of concrete evidence, witness intimidation, corruption in and threats against the judiciary, and sometimes political pressure, courts often fail to punish criminals involved in serious crimes. Police professionalism is low. The police view the killings of criminal suspects as appropriate given the lack of effective action by the judiciary against criminals. The judiciary,

on the other hand, faults the police for presenting weak cases that do not stand up in court.

Police officers occasionally are transferred or briefly suspended for their involvement in extrajudicial killings. However, court-ordered inquiries into these killings so far have failed to result in any police officer receiving criminal punishment. Punjabi police killed Tahir Prince on February 10. Following the filing of a writ by the victim's mother, the Lahore High Court ordered registration of a case against the police officers involved; however, no departmental action has been taken. In general police continued to commit such killings with impunity.

Following the coup in October, a number of police officials were charged or sanctioned for extrajudicial killings. On December 2, the Lahore High Court ordered the registration of cases against the Deputy Inspector General (DIG) of Police Sarghoda Range and six other police officers in the April 5 killing of two Sarghoda residents. The residents reportedly were mistaken for a Lashkar-i-Jhangvi member and killed in a police encounter. On December 7, the Punjab Chief Secretary announced that three senior Lahore-based police officials would be removed following the killing of a suspect in police custody. The suspect was charged in connection with a series of killings of children in Lahore. One police sub-inspector was sentenced to death during the year in the 1997 killing of Iraqi Noel, whom the police officer had taken into custody.

The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups. For example, Punjab police officers killed activists of the extremist sectarian organization Lashkar-i-Jhangvi, which was implicated in an attempt to kill the Prime Minister in January. During the year, three individuals charged with attempting to assassinate the Prime Minister in January were killed in police custody during an alleged escape attempt. As of August, 21 activists from this organization were killed in police encounters, according to press accounts and the Human Rights Commission of Pakistan.

The Muttahida Quami Movement (MQM), an opposition party that has demonstrated a willingness to use violence to further its objectives, claimed that its adherents were being targeted specifically by the police for extrajudicial killings. The MQM was formed by Altaf Hussein in 1984 as a student movement to further the rights of Mohajirs, the descendants of Urdu-speaking Muslims who migrated from India to Pakistan following partition in 1947. It soon became an organization with criminal elements, which generated income through extortion and other forms of racketeering. The MQM presently is split between the original MQM, formerly known as the Mohajir Quami Movement, and headed by Altaf Hussain (MQM-Altaf), a large breakaway group (MQM-Haqiqi), and other, smaller factions. The MQM-Altaf, in part because of its efficient organization and willingness to use violence and intimidation to achieve its goals, became the dominant political party in the Sindh urban centers of Karachi and Hyderabad. The MQM, despite a number of moderate and nonviolent leaders now in the Senate, National Assembly, and Sindh Provincial Assembly, has not been able to separate itself from its violent past. As a result, it has antagonized followers, suffered violent breakaways, and continually been at odds with successive governments. In March MQM Senator Aftab Sheikh accused the Sindh police, the paramilitary Rangers, and Government intelligence agencies of abducting two MQM members—Farid and Shamim—and killing them in custody; the two reportedly were handcuffed when killed. In July London-based MQM chief Altaf Hussain accused the Karachi police of killing Mohammed Shahid after his arrest. Altaf Hussain also claimed in July that 14 MQM workers were killed extrajudicially since the imposition of Governor's Rule. In a July report, the MQM listed 10 persons, mostly MQM activists, killed in extrajudicial incidents by Karachi police between October 1998 and March. In September MQM activist Rehan Bandhani died in police custody. According to the daily newspaper The News, the police initially argued that Bandhani had died of a heart attack, but a police officer later was charged with unintentional murder. On September 7, two MQM activists were killed in an encounter with police; police officials stated that the two men shot first, but witnesses claim that the two were taken, unarmed, from their homes and shot by police in a nearby field.

In NWFP the family of a notorious criminal known as "Shaitan" accused police of killing him in custody on May 9. The NWFP government has taken no action; however, the government of the NWFP set up a committee of inquiry to look into the death of Pakistan Muslim League youth wing leader Qasim Khan, who died while in custody of the Peshawar police on July 18. In 1998, Awais Akram, Arbab Yousah, and Abbas died while in police custody; in all three cases police officers were charged in connection with the deaths, but no information was available as the disposition of the cases at year's end. Ghulam Jillani, a 14-year-old boy, died while in police custody in Manshera in May 1998. Then NWFP Chief Minister

Sardar Mehtab Ahmed Khan dismissed the entire staff of the police station involved. The Abbottabad session judge led a committee of inquiry that investigated the incident; the committee held the Station House Officer and the staff of the police station responsible for Jillani's death. At year's end, the officers involved were appealing the decision.

The Sharif Government also used lethal force against political opponents and underground organizations.

Politically motivated violence and sectarian violence continued to be a problem, although in the weeks following the October 12 coup there were few if any reported cases of such violence. Governor's Rule, imposed to correct a serious law and order problem created in part by political tensions in the province, continued in Sindh until the coup. Despite improved security conditions under Governor's Rule, there were 75 deaths that were presumed to be the result of political violence in Karachi. Terrorist incidents were frequent in the Punjab. On January 3, four persons were killed and several were injured when a bomb placed under a bridge outside of Lahore exploded. The bombing occurred approximately 1 hour before Prime Minister Sharif was to have crossed the bridge, and was believed to be an assassination attempt. Two members of the Lashkar-i-Jhangvi extremist group were arrested in connection with the blast later that month. According to press reports, on May 24, at least 10 persons were reportedly killed by an explosion near a market in Daska, Punjab. There were several other bombings during the year, some of which resulted in deaths. The perpetrators of most such bombings were unknown at year's end. In 1998, there were several bombings in which persons were killed. At year's end, it was not known who carried out these bombings.

Women were killed by family members in so-called "honor killings." On April 6, Samia Imran, who sought a divorce against the wishes of her husband and family, was shot and killed in the Lahore office of lawyer Hina Jilani by a man accompanying her mother. The gunman and the victim's mother fled after the killing. The gunman later was shot and killed by police. Three members of Imran's family—her father, mother, and uncle—were charged in connection with her killing. However, by year's end, the three remained at large (see Section 5.).

There was extensive religious violence, particularly between rival Sunni and Shi'a organizations, with 1 newspaper estimating that 300 persons were killed in sectarian attacks during the last 2 years (see Sections 2.c. and 5).

On January 12, in Peshawar, the wife and son of well-known Afghan moderate Abdul Haq were shot and killed in their sleep by unknown assailants. A guard also was killed in the attack. Haq was well known for his efforts to promote an intra-Afghan dialog; his brother was a former governor in Afghanistan who has joined forces with Ahmad Shah Masood against the Taliban. On March 27, Mohammed Jehanzeb, the secretary of Abdul Haq's brother (and Taliban opponent) Haji Qadir, was shot and killed by unknown assailants in Peshawar. On July 14 former Afghan senator Abdul Ahad Karzai was shot and killed by two gunmen while returning home from prayers at a local mosque in Quetta. Between January 1998 and January 1999, it was estimated that up to 12 Afghan moderates or former members of the Communist Party were killed by unknown assailants (see Section 2.d.). Among those reported killed were Dagarwal Basir, General Nazar Mohammed, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha, and General Rahim. To date, there have been no arrests or convictions in connection with these killings.

In May heavy fighting broke out between Indian forces and Kashmiri militants in the Kargil sector of Indian-held Kashmir. Regular Pakistani forces also were involved in this engagement, which did not end until Pakistani forces withdrew in July. Tension along the line of control was high during this period, and there was shelling in several sectors. On June 10, the Pakistani army returned the bodies of six Indian soldiers, which bore signs of severe torture; however, the International Committee of the Red Cross declined an invitation to do an autopsy. A senior police official in Pakistan-controlled Kashmir estimated that approximately 40 civilians were killed on the Pakistani side of the line of control.

b. *Disappearance.*—There were no confirmed cases of politically motivated disappearances. Those killed in intra-Mohajir violence in Karachi sometimes are first held briefly by opposing groups (or, as the MQM-Altaf alleges, by security forces) and tortured. However, bodies of these victims, often mutilated, generally are dumped in the street soon after the victims are abducted; however, the incidence of such crimes decreased greatly during year.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and the Penal Code expressly forbid torture and other cruel, inhuman, or degrading treatment; however, police regularly torture, beat, and otherwise abuse persons. Police routinely use force to elicit confessions; however, there were fewer such reports during the year than in previous years, particularly in Sindh

after the coup, and human rights organizations reported greater cooperation from the police in investigating such cases than in previous years. Human rights observers suggest that because of the widespread use of physical torture by the police, suspects usually confess to crimes regardless of their guilt or innocence; the courts subsequently throw out many such confessions.

Common torture methods include: 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. Some magistrates help cover up the abuse by issuing investigation reports stating that the victims died of natural causes.

Torture by the police of persons in custody occurs throughout the country. Police tortured or mistreated prisoners considered to be opponents or critics of the Sharif Government. On January 4, Senator Aftab Sheikh and other MQM officials visited two MQM members of the provincial assembly at Karachi central prison, including former Labor Minister Shoaib Bukhari. The parliamentarians accused the police of torturing and humiliating them for 10 days after their arrest on November 20, 1998. The prisoners claimed that they had been struck with rifle butts, slapped, stripped naked, and forced to stand continuously for up to 36 hours. Seventy prisoners awaiting or undergoing trial at Karachi prison, all MQM members, charged that they had been arrested illegally and tortured to induce confessions. Family members alleged that they also often had been beaten in raids, and that relatives had been taken as hostage for those whom the police sought.

Opposition leader Hussain Haqqani alleged that he was tortured, beaten, and subjected to psychological abuse during his incarceration by the Intelligence Bureau between May 4 and May 7. Haqqani was arrested on previous dormant corruption charges; he claimed that this was a pretext for his arrest. Records of a medical examination conducted by the High Court after Haqqani's interrogation subsequently were "lost" by authorities. Haqqani was transferred to the Federal Investigative Agency (FIA) on May 7, but remained incarcerated for 2½ months. During the May 8 arrest of journalist Najam Sethi, Sethi's wife reportedly was tied up by police (see Section 2.a.).

In May Asif Zardari, husband of former Pakistan People's Party (PPP) Prime Minister Benazir Bhutto, was taken from prison to a police interrogation center in Karachi, where he was kept awake for 4 days, beaten, and cut with knives. On May 19, he was taken to a hospital for treatment. Observers doubted police claims that cuts on his neck were the result of a suicide attempt. In August the secretary general of the Inter-Parliamentary Union (IPU) noted in a public statement that the IPU was "alarmed" over the alleged torture of Zardari.

Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the failure of successive governments effectively to prosecute and to punish abusers is the single greatest obstacle to ending or reducing the incidence of abuse by the police. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them. Investigating officers generally shield their colleagues. Amnesty International (AI) estimates that at least 100 persons die from police torture each year. The failure to prosecute and punish abusers in a timely fashion was one of the chief arguments used by the Government in introducing the 15th Amendment designed to enforce Shari'a law throughout the country in 1998.

The 1997 Anti-Terrorism Act allowed confessions obtained while in police custody to be used to convict defendants in the new "special courts." Human rights organizations and the press criticized this provision of the law, as it commonly is believed that the police regularly torture suspects. Police generally did not attempt to use confessions to secure convictions under this law and the Government agreed to amend the law after the Supreme Court in 1998 invalidated this and other sections of the Anti-Terrorist Act.

Due to greater scrutiny by NGO's and the media, as well as a program of prison inspections in the Punjab, the incidence of torture and abuse may be decreasing in prisons. In Karachi human rights groups are active in particular cases and the Citizens Police Liaison Committee (CPLC) has been effective in bringing cases against police who make false arrests, practice torture, or take bribes. Cooperation between the CPLC and the police human rights complaint cell resulted in the dismissal of 216 policemen and demotion or fines for 1,226 during the 9 months between November 1998 and July 1999.

Corruption is an endemic problem among local police officers. Police and prison officials frequently use the threat of abuse to extort money from prisoners and their families. Police accept money for registration of cases on false charges and may torture innocent citizens. Persons pay police to humiliate their opponents and to avenge their personal grievances.

In the past, successive governments recruited police officers in violation of considerations of merit and the department's regulations. In some instances, recruits had criminal records. In 1997 Punjab province Chief Minister Shahbaz Sharif declared that his own police were "corrupt and inefficient." He appointed new senior officials to improve effectiveness, while resisting pressure to appoint those recommended by influential supporters to police positions. In an attempt to increase police professionalism, a Punjab elite police training academy was established in November 1997 and began training hundreds of constables. It is widely acknowledged that police corruption is most serious at the level of the Station House Officer (SHO), the official who runs each individual precinct. In 1998, 300 new SHO's recruited on merit were due to begin a long-delayed 20-month special training course. If they are allowed to replace corrupt SHO's, observers believe that they might improve police performance greatly. However, SHO's are very powerful (it is suspected that some have killed senior police officers that were trying to inhibit their corruption), and observers question whether their replacement is feasible.

It is accepted commonly, and high-ranking government officials have stated publicly, that police stations are sold—meaning that police officials pay bribes to politicians and senior officials in the department in order to get posted to the police stations of their choice. The police then recoup their investment by extorting money from the citizenry.

Even when actions are taken to address police abuses, the results are often mixed. In urban Sindh, the operation of citizen-police liaison committees helped to curb some police excesses, but there are still many complaints of police abuse.

Special women's police stations were established in 1994 in response to growing numbers of complaints of custodial abuse of women, including rape. These police stations are staffed by female personnel, but receive even less material and human resources than regular police stations, according to human rights advocates. According to the government's own Commission of Inquiry for Women, the stations do not function independently or fulfill their purpose. Despite court orders and regulations requiring that female suspects be interrogated only by female police officers, women continued to be detained overnight at regular police stations and abused by male officers. In a study of Lahore newspapers from January to May 1999, the Human Rights Commission of Pakistan found 11 cases of violence, rape, or torture of women while in police custody. In August 1998, "Nasreen" accused the SHO of Lahore's Mozang police station of raping her after she visited the station to register a complaint against her in-laws. At the end of 1998, the case was under internal investigation by Lahore police; the disposition of the case was unknown at year's end. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards is reportedly a problem as well.

The Hudood Ordinances, promulgated by the central martial law government in 1979, were an attempt to make the Penal Code more Islamic. These ordinances provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for some other crimes. These severe Koranic penalties—known as Hadd punishments—require a high standard of evidence. In effect, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In 20 years, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines are imposed. From 1979 to 1995, over 1 million Hudood cases were filed with the police, and 300,000 have been heard by the courts. The laws are applied to Muslims and non-Muslims alike.

Women frequently are charged under the Hudood laws on sexual misconduct, such as adultery. Approximately one-third of the women in jails in Lahore, Peshawar, and Mardan in 1998 were awaiting trial for adultery. Most women tried under the ordinance are acquitted, but the stigma of having been jailed for adultery is severe. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor has claimed that 80 percent of all adultery-related Hudood cases are filed without any supporting evidence. According to Amnesty International, men accused of rape sometimes are acquitted and released while their victims are held on adultery charges. The Commission of Inquiry for Women has recommended that the Hudood laws be repealed, as they are based on an erroneous interpretation of Shari'a (see Section 5).

The Federal Crimes Regulation (FCR), which applies in the Federally Administered Tribal Areas (FATA), allows the punishment of relatives, friends, and neighbors of suspects. Authorities are empowered to blockade villages or to detain fellow members of a fugitive's tribe in order to obtain the surrender of a fugitive. In December 1998, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment (see Sections 1.e. and 1.f.).

Police routinely use excessive force against demonstrators or strikers. In February police forcibly dispersed a demonstration in Lahore staged by the Jamaat-i-Islami. Police with batons charged demonstrators and fired tear gas shells into the party's Lahore offices. On September 11, police reportedly used force to break up a demonstration by a coalition of opposition groups in Karachi, and the headquarters of two major opposition parties, the MQM and the PPP, reportedly were damaged. On September 12, police used water cannons, teargas, and sticks to break up a PPP-organized sit-in in Karachi. In mid-October, the press reported that police used force to break up a rally in support of former Prime Minister Nawaz Sharif; more than one dozen protestors reportedly were arrested in Karachi on October 14. On December 11, police used force to disperse a demonstration in Lahore that was held to protest the handling of a serial murder case by the police. Police charged the crowd, beat persons with batons, and arrested 30 persons.

Police at times also beat and arrested journalists. For example, during a December 11 protest against the handling of a criminal case in Lahore, the police beat press photographers and smashed their cameras after photographers reportedly recognized a plainclothes policeman, who was hurling bricks into the crowd.

Police authorities failed in some instances to protect members of religious minorities—particularly Ahmadis and Christians—from societal attacks (see Section 5).

On January 3, several persons were injured when a bomb placed under a bridge outside of Lahore exploded, in what was believed to be an assassination attempt against Prime Minister Nawaz Sharif (see Section 1.a.). On September 6, an explosion in a madrassah in Karachi injured more than 20 persons; those injured had rushed to the scene of a previous explosion, in which there were no injuries. On April 17, unidentified men threw small explosives at the home of the Army Corps Commander in Peshawar, injuring five guards. On November 12, a series of rocket attacks in Islamabad injured one person. There were several other bombings during the year, some of which resulted in injuries. The perpetrators of most such bombings were unknown at year's end.

Prison conditions are extremely poor. Overcrowding is a major problem. According to the Human Rights Commission of Pakistan (HRCP), there are currently 82,000 prisoners in Pakistani jails, which have an officially authorized population of 35,833; most prisoners are held in severely overcrowded conditions. In September an investigative reporter for The Nation visited Adiala jail in Rawalpindi. According to the reporter, the prison currently holds 4,277 prisoners but was built for 2,000. A press survey in July revealed that the 16 jails of Sindh province, with a total capacity of 7,769 prisoners, were actually housing over 14,000. Karachi central prison is the most overcrowded, with a population of 4,460 prisoners and a capacity for only 991; only 2 toilets are available for each 100 prisoners in the lowest classification of cells. The HRCP claims that the Lahore district jail, built to house 1,045 prisoners, contains 3,200. The Punjab Home Department admitted before the Lahore High Court in July that over 50,000 prisoners were being held in Punjabi jails meant for 17,271. The department claimed that it had plans on the books to build new jails in 22 district and subdivisional headquarters, but that the work had been delayed by financial constraints. Some 80 percent of prisoners are "awaiting trial," mostly for petty offenses.

Prisoners in jail routinely are shackled. The principal of the institute for jail staff training in Lahore admitted in a July press interview that fettering is the most convenient way of administering an overcrowded jail. While the Pakistan Prison Act of 1894 permits fettering for a variety of offenses, the punishment is usually given for administrative convenience, or to extract bribes from prisoners. (The shackles used are tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases.) Although the Sindh High Court ruled the practice illegal in 1993, the practice continues, and outside observers visiting Sindhi jails regularly see fettered prisoners.

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, no furnishings, and poor food. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. In 1998, the Senate's Committee on Human Rights reported to the Prime Minister that at one facility in Hyderabad, 60 prisoners were confined in a space 100 feet by 30 feet with only 1 latrine. Such unsanitary conditions are common in small, poorly ventilated, and decrepit colonial-era prisons. Inadequate food, often consisting of only a few pieces of bread, leads to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care is a problem. Mentally ill prisoners usually are not provided with adequate treatment and often are not segregated from the general prison population. Foreign prisoners often remain in prison long after their sentences are completed because there is no one to

pay for their deportation to their home country. Conditions in "B" and "A" cells are markedly better than in "C" cells. Prisoners in "A" cells are permitted to have servants, special food, and televisions. The authorities reserve "A" cells for prominent persons. Especially prominent individuals—including some political figures—sometimes are held under house arrest and permitted to receive visitors.

The Government permits prison visits by human rights monitors.

Landlords in rural Sindh and political factions in Karachi operated private jails (see Section 1.d.).

On June 10, during the Kargil conflict, the Pakistani army returned the bodies of six Indian soldiers, which bore signs of severe torture; however, the International Committee of the Red Cross declined an invitation to do an autopsy (see Section 1.a.).

d. *Arbitrary Arrest, Detention, or Exile.*—The law regulates arrest and detention procedures; however, the authorities do not always comply with the law and police arbitrarily arrested and detained citizens. The law permits a Deputy Commissioner (DC) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DC 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, the police may hold a suspect for 24 hours without charge. After the prisoner is produced before a magistrate, the court can 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.

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant. The police have been known to file FIR's without supporting evidence. FIR's frequently are 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, who then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, the case is dropped for lack of evidence, but then another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in continuous custody.

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 fully observe 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 detain individuals arbitrarily without charge or on false charges, in order to extort payment for their release. Human rights monitors report that a number of police stations have secret detention cells in which individuals are kept while the police bargain for a higher price for their release. There are also reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continue to be detained arbitrarily and sexually abused (see Section 1.c.). Police also detain relatives of wanted criminals in order to compel suspects to surrender (see Section 1.f.). Police have been known to detain persons in connection with 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. In 1998 the Human Rights Commission of Pakistan estimated that there were almost as many individuals awaiting trial in jails as there were prisoners. According to the chief justice of the Lahore High Court, there were over 500,000 civil and criminal cases backlogged in the province's subordinate court system as of April. In 62 Lahore city courts, 7,000 prisoners are awaiting trial in 6,000 cases. In 3,500 of these cases, the police have not even brought a "challan," or indictment, to the court. In 1997 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.).

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for over 2 years for his trial on charges of killing his brother-in-law, Murtaza Bhutto, to begin. Charges were first filed against Zardari in July 1997 and transferred successively to two different courts, where several judges refused to preside. To date only 2 of 223 witnesses have been heard.

The Government permits visits by human rights monitors, family members, and lawyers. However, in some cases, authorities refuse family visits and in some police stations, persons are expected to pay bribes in order to visit a prisoner. The Feder-

ally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade the fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. The Government continued to exercise such authority, repeatedly, during the year. Roman Ali, arrested in 1993 at the age of 12 for his fugitive elder brother's crimes, was sentenced to a long prison term in 1994. In 1996, a petition against this sentence in the Peshawar High Court was dismissed. During the year, Ali's appeal to the Secretary of the Home Department was denied, and his appeal to the Supreme Court was not heard due to the Court's lack of jurisdiction over the case.

The Government sometimes uses mass arrests to quell possible civil unrest. In April approximately 600 PPP members were arrested prior to a planned May 1 demonstration in Islamabad against former prime minister Benazir Bhutto's April conviction on corruption charges and disqualification from holding public office. Most were released on May 2. Early on July 28, police tore down antigovernment posters and arrested MQM legislators and activists to halt a peaceful hunger strike being conducted in front of the Karachi Press Club. Most of those arrested were released quickly, and the protest was resumed a few hours later. In August and September, police arrested as many as 2,500 activists from the PPP and the Muttahida Quami Movement in Karachi and other parts of Sindh province in anticipation of a September 4 opposition rally. Several hundred more, including several senior opposition leaders and parliamentarians, were arrested several days later prior to an opposition demonstration in Karachi. On September 11, police reportedly used force to end a demonstration by a coalition of opposition groups in Karachi; police publicly reported arresting 107 persons in connection with the demonstration, but other reliable estimates place the number arrested at 600 or more. Police detained hundreds of MQM and PPP activists and senior leaders prior to a banned opposition march planned for September 25, as well as in the days immediately after it was to have occurred. Among those detained was MQM Senator Nasreen Jalil, who was arrested at her home on September 24 and held incommunicado for several days (see Section 2.b.) until her release on September 29. Also in September, the Government placed Fazlur Rehman, the leader of one faction of the religious party Jamiat Ulema-i-Islami, under house arrest to prevent him from traveling to the NWFP tribal areas to attend a political rally. Rehman previously had traveled frequently to the region to attend rallies, which are prohibited in the tribal areas. Rehman was released after 3 days (see Sections 2.a., 2.b., and 2.d.). In early October, hundreds of religious extremists, including the leader of the Sipah-e-Sahaba Pakistan, Maulana Muhammad Azam Tariq, and SSP branch president Maulana Mohammad Ahmad Ludhianvi, were arrested after a wave of sectarian violence broke out in Punjab and Sindh. However, since the coup, there have been reports that arrests of political activists have decreased.

The Sharif Government's "accountability cell," which ostensibly was created to uncover corruption in an evenhanded manner, was headed by a close associate of the Prime Minister, Senator Saifur Rehman, and conducted politically driven investigations of, and campaigns of vilification against, opposition politicians, senior civil servants, and business figures. These investigations were designed to extract evidence and in some cases, the televised confessions of alleged wrongdoers. Rehman may have arranged for the arrest of Hussain Haqqani and Najam Sethi (see Section 2.a.). However, before the coup, most politicians and bureaucrats who had been charged with corruption or other crimes were out on bail. In 1998, authorities arrested and questioned the wife and daughter of former Pakistan Steel executive Usman Farooqi in an attempt to pressure the already-imprisoned Farooqi. At year's end, Farooqi remained in detention. In 1998 in an effort to compel a former bureaucrat to return to Pakistan, the Government prevented the departure of family members, even those who were not citizens of Pakistan, on the grounds that they were "beneficiaries" of alleged corruption. In July 1998, the Lahore High Court ruled that this approach was invalid.

In several high-profile arrests of Sharif Government critics, the police or intelligence services entered homes and arrested individuals without warrants or due process and held them for periods of days or weeks. On May 4, Intelligence Bureau officials arrested opposition leader and journalist Hussain Haqqani without a warrant and held him incommunicado until May 7 without filing charges (see Section 1.c.). On May 8, approximately 30 policemen broke into Friday Times editor Najam Sethi's home, beat him, tied up his wife, destroyed property, and took Sethi away without warrant. According to press reports, Sethi was interrogated by the intelligence services as a suspected "espionage agent." Sethi was held incommunicado for several days and denied access to an attorney (see Section 2.a.).

On occasion, persons are detained arbitrarily because of disputes with powerful or well-connected persons. On January 28, Humaira Mahmood and her husband Mahmood Butt were detained without a warrant by Punjab police at the Karachi airport (in Sindh province), as they were trying to leave the country. Mahmood Butt's mother was also detained. In 1997 the couple had married against the wishes of Humaira's father, Abbas Khokar, a member of the Punjab Provincial Assembly (see Section 5). Mahmood and her husband reportedly were taken separately to Lahore, where they were detained separately and were beaten in an attempt to force them to renounce their marriage. On February 1, the pair appeared in court in Lahore. After the hearing, Mahmood Butt and his mother were released by court order; Humaira was released by court order on February 18.

The Musharraf Government detained without a warrant and without charge several dozen political figures, military officers, government administrators, and Sharif family members following the October 12 coup. Nawaz Sharif and members of his family, including Punjab chief minister Shahbaz Sharif; most of the Cabinet; several senior advisors to the Prime Minister or to the Government; and a number of military and police officials were arrested or placed under house arrest immediately following the coup. Nawaz Sharif was held incommunicado from the time of his arrest until he was brought to court on November 18. Most others were released within a few days; however, at year's end, 32 were estimated to remain in custody. Many of those arrested immediately after the coup were held incommunicado. Former Prime Minister Nawaz Sharif and his brother, former Punjab chief minister Shahbaz Sharif, were held incommunicado in Chaklala, Rawalpindi; many other Sharif family members were held with limited outside contact in "protective custody" in the Sharif estate outside of Lahore following the coup. The oldest son of Nawaz Sharif, Hussain Sharif, reportedly was held incommunicado, except for one occasion on which he was allowed access to counsel, in solitary confinement from October 12 until a court-ordered visit with his wife on December 11. Other Sharif family members still in detention at year's end included Nawaz Sharif's father Mian Mohammad Sharif; his brother Abbas Sharif; his son-in-law Captain Safdar; his nephew Hamza Shahbaz (son of Shahbaz Sharif), and his brother-in-law Chaudhry Sher Ali. Former Information Minister Mushahid Hussain was kept in "protective custody," along with his family, at his residence in Islamabad from October 12 until December 14, when he was removed by military officers from his home and taken to a government guest house in Islamabad. He then was held incommunicado by the military until December 24, when he was allowed to meet with his family under a court order.

Several key figures among those initially arrested without charge, including Nawaz Sharif, were being held in connection with the "hijacking" of General Musharraf's airplane on October 12. On that day, General Musharraf was returning from a conference in Sri Lanka, and the commercial aircraft in which he was flying initially was denied permission to land in Karachi, purportedly under orders from Prime Minister Sharif. This event, along with Sharif's summary replacement of General Musharraf with the Director General of the Inter-Services Intelligence Directorate, Khawaja Ziauddin, led to the coup. Military officers took over the airport in Karachi and allowed Musharraf's airplane to land. In the weeks following Sharif's arrest, he was detained without charge and was denied access to counsel and to family members (see Sections 1.d. and 1.e.). A First Incident Report was not filed in the case until November 10. The FIR charged Sharif with attempted murder, hijacking, and criminal conspiracy. Former Sharif advisor Ghous Ali Shah, former Pakistan International Airlines (PIA) chairman Shahid Khaqan Abbasi, former Director of Civil Aviation Aminullah Chaudhary, and former Inspector General of Police Rana Maqbool were charged along with Sharif. The accused were to be tried before an antiterrorism court. Nawaz Sharif was formally arrested and remanded to police custody only after being brought to Karachi on November 18. On November 19, Sharif first appeared in an antiterrorism court in Karachi. On November 26, three other individuals—former Punjab chief minister Shahbaz Sharif, former Senator Saifur Rehman, and former secretary to the Prime Minister Saeed Mehdi—were named codefendants in the case. Sharif complained of "inhumane" treatment during his incarceration, including being held incommunicado in a cramped cell. On November 29, the judge in the case ordered him transferred to an "A" class cell. Following changes in the Antiterrorism Act (see Section 1.e.), the formal filing of charges (challan) against Nawaz Sharif occurred on December 8. Nawaz Sharif and his brother Shahbaz Sharif were paroled briefly on December 15 and flown by the authorities to Lahore, the day after the death of Nawaz Sharif's mother-in-law.

Although many of those detained immediately following the coup were released in the days afterwards or subsequently were charged through the court system, several individuals remained in custody without charge. As of year's end, former min-

isters Muhammed Ishaq Dar, Sayed Mushahid Hussain, and Chaudry Nisar Ali Khan; former Director General of the Inter-Services Intelligence Bureau Khawaja Ziauddin; Mujibur Rehman, brother of Saifur Rehman; former Director General of the Federal Investigative Agency Mohammed Mushtaq; and several other officials and members of Parliament or provincial assemblies apparently still were detained without charge.

Private jails are believed to exist in tribal and feudal areas. Human rights groups allege that as many as 50 private jails, housing some 4,500 bonded laborers, were being maintained by landlords in lower Sindh. Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords have been defying the courts and police by holding tribal jirgas, which settle feuds and award fines as well as the death penalty—even in jails—in defiance of provincial laws. The Human Rights Commission of Pakistan and the district administration in Umerkot, Sindh, attempted in April to the release of a family of agricultural workers from their landlord's private jail in Kunri. A member of the family, Mangal Bheel, escaped from the prison in January, and approached authorities for help.

The Government does not use forced exile.

e. *Denial of Fair Public Trial.*—Until the October coup, the Constitution provided for an independent judiciary; however, in practice, the judiciary was subject to political influence under the Sharif Government. A series of events in 1997 led to serious concerns about the prestige and independence of the judiciary under the Sharif Government. However, under Sharif the Supreme Court demonstrated a continued degree of independence on a number of occasions. For example, the Supreme Court ruled in February that the military courts used to try certain civilian cases were unconstitutional. After the coup, the Musharraf regime pledged to respect the independence of the judicial system, despite having suspended the Constitution; however, Provisional Constitution Order Number 1, issued on October 14, provided that all courts functioning at the time of the change in government would continue to operate, but that no court would have the power to issue orders against General Musharraf or any person exercising powers or jurisdiction under his authority, thereby effectively removing the actions of the Musharraf regime from judicial oversight. However, by year's end the Musharraf regime had not acted to limit the judiciary. On November 15, PML legislator Zafar Ali Shah filed a petition with the Supreme Court challenging the October 12 coup. At year's end, the Supreme Court was scheduled to hear arguments about the legality of the military takeover on January 31, 2000. Under both Governments low salaries, inadequate resources, heavy workloads, and corruption contribute to judicial inefficiency, particularly in the lower courts.

The judicial system involves several different court systems with overlapping and sometimes competing jurisdictions. There are 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 Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. The appeals process in the civil system is: civil court; district court; High Court; and the Supreme Court. In the criminal system, the progression is magistrate, sessions court, High Court, and the Supreme Court.

The judiciary has argued that it has not been able 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 Sharif Government passed the Anti-Terrorist Act in 1997; special antiterrorist courts began operation in August 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures but due to continued terrorist intimidation of witnesses, police, and judges, produced only a handful of convictions of terrorist suspects in 1998. Under the Anti-Terrorist Act, terrorist killings are punishable by death and any act, including speech, intended to stir up religious hatred is punishable by up to 7 years' rigorous imprisonment. Cases are to be decided within 7 working days, but judges are free to extend the period of time as conditions require. Trials in absentia were permitted, then subsequently prohibited in October 1998. 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 Antiterrorist Act, bail is not to be granted if the court has reasonable grounds to believe that the accused is guilty. Because of the law's bail provisions, Islamic scholar Yusuf Ali was unable to obtain bail. After the suspension of this provision, judges continued to avoid hearing his bail application. He was held in a "C" class cell from March 1997 until his release in June.

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 significantly to a reduction in sectarian terror 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 convicts have been executed under these provisions. In 1997 cases filed under section 295(a) of the Penal Code (one of the so-called blasphemy laws) were transferred to the antiterrorist courts. Human rights advocates feared that if blasphemy cases were tried in the antiterrorist courts, alleged blasphemers, who in the past normally were granted bail or released for lack of evidence were likely to be convicted, given the less stringent rules of evidence required under the Anti-Terrorism Act.

In November 1998, Prime Minister Nawaz Sharif announced the establishment of military courts in Karachi, which had been under Governor's Rule since October 1998. These courts were to try cases involving heinous acts and terrorism, which the Government stated were a serious challenge to public authority that the existing court system was inadequate to address. They were intended to bring swifter justice to the city, which had been plagued by terrorism, violence, and a general breakdown in law and order. Military courts began operating in December 1998. In January the Supreme Court ruled in an interim decision that military trial courts could not impose the death penalty. On February 17, the Supreme Court ruled that the military courts were unconstitutional and ordered the establishment of additional antiterrorist courts; however, it allowed the sentences already handed down by the military courts to stand. The antiterrorist courts were to operate under the supervision of two Supreme Court justices, and both courts of first instance and appellate courts were to render decisions within 7 days; in practice, this did not occur. In response, on April 27, the Sharif Government promulgated an ordinance transferring cases from military trial courts to antiterrorist courts and expanded the jurisdiction to cover the same types of offenses as the military courts, including murder, gang rape, and child molestation. Various "civil commotion" offenses (including writing graffiti and putting up wall posters) also were added to the jurisdiction of the antiterrorist courts. In August the Sharif Government again promulgated the April antiterrorism ordinance but dropped the injunctions against graffiti and wall posters. The April ordinance made strikes and go-slows illegal as "civil commotion" offenses; both were punishable by incarceration and fine (see Section 2.b. and Section 6). Prior to August, some opposition leaders and members of the human rights community feared that the "civil commotion" offenses would be used to suppress political dissent. In the first 7 months of the year, the military trial courts, which operated until mid-February, sentenced two persons to death in Sindh, and antiterrorism courts subsequently sentenced 42 persons to death in the same province. Two of the sentences have been carried out and the rest are on appeal. On December 2, the Musharraf Government again modified the ATA provisions, by adding a number of additional offenses to the ATA, including acts to outrage religious feelings; efforts to "wage war against the state"; conspiracy; acts committed in abetting an offense; and kidnaping or abduction to confine a person. By ordinance the Musharraf regime created a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as is usually the case. The amended provision permits 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 assist the Musharraf regime with its prosecution of Sharif.

The Musharraf regime also established special courts to deal with "accountability," or corruption, cases. On November 16, the Musharraf regime created by ordinance a National Accountability Bureau (NAB) and special accountability courts to try corruption cases. The NAB was given broad powers to prosecute such cases, and the accountability courts were expected to try cases within 30 days. The ordinance allows those suspected of defaulting on government loans or of corrupt practices to be detained for 90 days without charge and, prior to being charged, does not allow access to counsel. The NAB was created in part to deal with as much as $4 billion (approximately PRs 208 billion) that it is estimated is owed to the country's banks (all of which are state-owned) by debtors, mainly from among the wealthy elite. It was believed that many wealthy and politically well connected persons had taken out bank loans over the years with no intention of repaying them. The NAB has stated that it would not target genuine business failures or small defaulters and does not appear to have done so. In accountability cases, there is a presumption of guilt, and conviction under the ordinance can result in 14 years' impris-

onment; fines; and confiscation of property. Those convicted also are disqualified from running for office or holding office for 21 years. According to unconfirmed press reports, the Musharraf regime made an informal decision that the military and the judiciary would not fall under the jurisdiction of the NAB. The Musharraf regime denied this. However, by year's end, no serving members of the military or the judiciary have been charged by the NAB. On November 17, the day after General Musharraf's well-publicized 4-week grace period to repay loans expired, the military began arresting those suspected of defaulting on bank loans. Persons were arrested throughout the country on default or corruption charges; by year's end, it was estimated that at least 100 persons may have been arrested on charges of defaulting on bank loans or corruption. Those arrested were prominent persons, from across the business and political spectrums; some were also retired military personnel and government bureaucrats. Those included on a published list of persons charged with corruption by the NAB included deposed Prime Minister Nawaz Sharif and former Prime Minister Benazir Bhutto. On December 27, former Punjab chief minister Arif Nakai was disqualified from holding office for 21 years, after he admitted on December 18 that he took approximately $37,000 (PRs 1.9 million) from official accounts to finance his family's travel to Saudi Arabia. Nakai repaid the amount to the NAB. Some persons expressed concern over the concentration of power in the NAB, the fact that the NAB chairman is a member of the military, and the presumption of guilt imposed on those tried for corruption.

The civil judicial system provides for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys are appointed for indigents only in capital cases. There are no injury trials. Due to the limited number of judges, the heavy backlog of cases, and lengthy court procedures, cases routinely take years, although defendants are required to make frequent court appearances. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail. The Code also stipulates that those accused in nonbailable offenses should be granted bail if the crime of which they are accused carries a sentence of less than 10 years. Many accused, especially well-connected individuals who are made aware of impending warrants against them, are able to obtain pre-arrest bail, and thus they are spared both arrest and incarceration.

The federal Shariat Court and the Shari'a bench of the Supreme Court severe 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 NWFP—Malakand and Kohistan—Shari'a law was instituted beginning in January, in the first by regulation and the second by an ordinance. On September 20, a bill was passed by the NWFP Assembly that incorporated the Kohistan ordinance into law; Shari'a law now applies in Kohistan (see Section 2.c.).

The judicial process continued to be impeded by bureaucratic inflighting, 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 also holds up the promotion of many lower court judges to the High Courts. Although the higheer level judiciary is considered competent and generally honest, there are widespread reports of corruption among lower level magistrates and minor functionaries.

On June 11, 16-year-old Mohammad Saleem was convicted by an antiterrorist court of killing three police officers; however, Saleem was tried and acquitted of the same charges by a court in January on the grounds of insufficient evidence and lack of a motive.

On August 21, two MQM members, Mohammed Saleem and Ahmed Saeed, were convicted in an antiterrorist court of the 1997 killings of two foreign employees of Union Texas Petroleum and their driver. The two were sentenced to death, as well as to and approximately $40,000 (PRs 2 million) in fines. Many questioned the fairness of the trial, since the convictions were based largely on the confessions of the accused; the confessions later were retracted on the grounds that they were obtained by the police through the use of torture.

Persons in jail waiting trial sometimes are held for periods longer than the sentence they would receive if convicted. Court officials report that each judge reviews between 70 and 80 cases per day, but that action is taken on only 3 or 4 each week. Eighty thousand criminal cases were reported pending in Sindh at the end of 1997, 67,800 of which were in Karachi. The Law Ministry, in reply to a question in the National Assembly in 1997, reported that there were over 150,000 cases pending

with the superior judiciary, which includes the Supreme Court and the four provincial High Courts. During the year, there are approximately 125,000 cases pending. 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 to achieve high conviction rates, persuade detainees to plead guilty without informing them of the consequences. Politically powerful persons also attempt to influence magistrates' decisions and have used various forms of pressure on magistrates, including the threat to transfer them to other assignments.

Press reports in July noted that hundreds of prisoners remained in the Karachi central prison after the competition of their sentences. The Sindh Home Department stated that at least 10 percent of under-trial prisoners in Karachi central prison had no access to free legal aid or the possibility of bail, even if qualified. Reporters interviewing male prisoners in 1 block discovered that 18 out of 110 prisoners, or 16 percent, were not represented by attorneys. As of March, 6,000 cases were awaiting trial in 62 Lahore courts, with 7,000 prisoners awaiting a court date. In 3,500 of these cases, the police have not yet submitted a "challan," or indictment.

The Penal Code incorporates the doctrine of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas is not known to have been invoked; however, the Penal Code's provision for Diyat occasionally is applied, particularly in the NWFP, with the result that compensation is sometimes paid to the family of a victim in place of punishment of the wrongdoer. Under these ordinances only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances apply to both ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can compensate for the crime by paying the victim's family Diyat; however, a non-Muslim does not have the option of paying Diyat and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in non-capital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. In 1998 the Human Rights Commission of Pakistan noted that there were 58 individuals still in prison after the completion of their jail terms because they could not pay the Diyat. The HRCP made public the case of one such convict, Nosheran Khan, in the NWFP. Khan has been in prison since 1996 and cannot be released until he pays his Diyat fine of approximately $3,843 (PRs 20,000).

Appeals of certain Hudood convictions involving penalties in excess of 2 years' imprisonment are referred exclusively to the Shariat courts and are heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and be familiar with Islamic law. Within these limits, defendants in a Shariat court are entitled to the lawyer of their choice. There is a system of bail.

The Hudood ordinances criminalize nonmarital rape, extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses are 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 are tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments are mandatory if there is enough evidence to support them. Hadd punishments regarding sexual offences are most severe for married Muslims; for example, if a married Muslim man confesses to a rape or there are four adult male Muslim witnesses to the act, the accused rapist must be stoned to death; if the accused rapist is not Muslim and/or married, if he confesses, or if the act is witnessed by 4 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 in the case. The testimony of four female witnesses, or that of the victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd requirements, 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 of evidence and sentencing (under which a rapist may be sentenced to up to 25 years in prison and 30 lashes). No Hadd punishment has ever been applied in the 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is 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).

Administration of justice in the FATA is normally 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 are federal civil servants assigned to tribal agencies, oversee such proceedings and may impose prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently perform punitive actions during enforcement operations. For example in raids on criminal activities, the authorities have been known to damage surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (see Sections 1.c. and 1.f.).

In remote areas outside the jurisdiction of federal political agents, tribal councils occasionally levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

For example, in May a local "jirga," or council, sentenced a man to death in Mohmand agency for the killing of relatives. The council also expelled the man's brother from the area. In December 1998, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment.

Another related form of rough 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—in order to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence, such as the Samia Imran case (see Section 5), in which a woman seeking a divorce against the wishes of her husband and family was shot and killed in April in the office of lawyer Hina Jilani, apparently at the behest of her family.

There are limited numbers of political prisoners. Certain sections of the Penal Code directly target members of the Ahmadi faith. Since they were adopted, Ahmadis incarcerated under these provisions number approximately 200, according to Ahmadi sources. A number of minority religious groups argue that other sections of the Penal Code—particularly the related blasphemy laws—are used in a discriminatory fashion by local officials or private individuals to punish religious minorities. While precise numbers are unavailable, the Ahmadis estimate that 61 of their coreligionists were charged in criminal cases "on a religious basis" as of August (see Section 2.c. and Section 5).

Some political groups also argue that they are marked for arrest based on their political affiliation. The Muttahida Quami Movement, in particular, has argued that the Sharif Government has used antiterrorist court convictions in Sindh to silence its activists.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Government infringes on citizen's 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 a terrorist act (which is defined very broadly). This provision was never tested in the courts. While the Antiterrorist Act was partially suspended in 1998, the Government promulgated new Antiterrorism Ordinances in October 1998 and in April. By prior law, the police had to obtain a warrant to search a house, but they did not need a warrant to search a person. Regardless of the law, the police entered homes without a warrant and have been known to steal valuables during searches. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, policemen seldom are punished for illegal entry. In late September, the family members of persons sought by the police in connection with a banned opposition march reported forcible, warrantless searches of their homes (see Section 2.b.).

The Government maintains several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicate that the authorities routinely use wiretaps and intercept and open mail. In his order dismissing former Prime Minister Bhutto in 1996, President Leghari accused the Government of massive illegal wiretapping, including eavesdropping on the telephone conversations of judges, political party leaders, and military and civilian officials. In 1997 the Supreme Court directed the federal Government to seek the Court's permission before carrying out any future wiretapping or eavesdropping operations. Nonetheless, that same year, a lawyer for a former director of the Intelligence Bureau, charged with illegal wiretapping during Benazir Bhutto's second term in office, presented the Supreme Court with a list of 12 government agencies that still tapped and monitored telephone calls of citizens. The case is pending in the Supreme Court. A press story in October 1998 quoted anonymous cabinet ministers who complained of wiretapping of their telephones by the Intelligence Bureau.

Police sometimes arrest and detain relatives of wanted criminals in an attempt to compel suspects to surrender. In some cases, the authorities have detained entire families in order to force a relative who was the subject of an arrest warrant to surrender (see Section 1.d.). In September two adult children of opposition party leaders were arrested in Karachi when police could not locate their parents in a sweep conducted by police prior to a planned opposition march (see Section 2.b.).

While the Government generally does not interfere with the right to marry, the Government on occasion assists influential families in efforts to prevent marriages entered into without the consent of the families involved. For example, between December 1998 and February, Punjabi police attempted to stop Humaira Mahmood and her husband Mahmood Butt from living together as man and wife. The couple were married legally in 1997, but Humaira's father, Abbas Khokar, a member of the Punjab provincial assembly, did not approve of the marriage and enlisted the police to help him prevent the pair from living together once he discovered the marriage had taken place (see Section 5). In July police in Kot Ghulam Mohammed (Mirpurkas district, Sindh) raided the home of Javed Dal and arrested his family members as hostages. Dal had eloped with his cousin. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front executive committee to instigate the arrests, which were carried out without warrants (see Section 5). The authorities also fail to prosecute vigorously cases in which families punish members (generally women) for marrying or seeking a divorce against the wishes of other family members, such as in the case of Samia Imran, who had sought a divorce against the wishes of her influential father and was killed in April, apparently at the behest of the family (see Section 5).

Press reports routinely describe couples who are less fortunate, such as Abdul Ghaffar and Shabana Bibi of Gila Deedar Singh, who were abducted from a Gujranwala court on May 15 by 16 armed men representing Shabana Bibi's parents, who opposed the match. At year's end, the couple's fate was not known.

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 Sections 2.c.).

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 blockade an entire village (see Section 1.d.). The Government demolished the houses of several alleged criminals, as well as the homes of those who allegedly tolerated nearby criminal activity.

On December 13, a Shariat court established by the Tehrik-i-Tulaba, an extremist Islamic group in Orakzai Tribal Agency, fined six alleged accomplices to a killing and burned down their homes as punishment (see Sections 1.c. and 1.e.). On December 29, riots occurred in Karachi in response to the demolition by security forces of up to 300 homes in the low income Gharibabad neighborhood, which is widely considered to be an MQM-Altaf stronghold. Authorities claimed that the homes were built without permits and that they sheltered terrorists and criminals.

In March three young girls who had converted to Islam from Christianity were removed from their parent's custody by a court (see Section 2.c.). The girls' parents attributed the loss of their girls to the influence of religious extremists who packed the courtroom, and claim to have suffered harassment because of the case. However, the importance of the parent's religion in the judge's decision was not clear. The girls' family since has moved, and reportedly is in hiding.

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 are broadly free to discuss public issues; however, journalists practice a degree of self-censorship, and the situation with respect to freedom of speech and of the press deteriorated during the first 10 months of the year, as the Sharif Government attempted to silence several critics, and to influence directly the substance of media reporting. At year's end, the Musharraf regime had not attempted to exercise direct control over views expressed in the print media. Nonetheless, views expressed in editorials and commentary are often frank and pointed in their criticism of the Government. True investigative journalism is rare; instead the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing class, political, and social interests.

Anyone who damages the Constitution by any act, including the publication of statements against the spirit of the Constitution, can be prosecuted for treason. However, prosecutions under this provision have been rare. The Constitution also prohibits the ridicule of Islam, the armed forces, or the judiciary. This provision

served as grounds for the 1997 charges against the presidential candidacy of Rafiq Tarar, based on press statements made several years previously that were critical of the judiciary. The charges against Tarar later were dismissed.

The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammed, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs (i.e., any religion, not just Islam) with intent to outrage religious feelings (see Section 2.c.). The Antiterrorist 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 intent to stir up sectarian hatred. No warrant is required to seize such material (while the Antiterrorist Act was partially suspended in 1998, the Government promulgated new Antiterrorism Ordinances in October 1998 and in April). In November two journalists, Zahoor Ansari and Ayub Khoso, were sentenced to 17 years in prison and a fine by an antiterrorist court; they were sentenced to 10 years under Section 295(a) and 7 years under the Antiterrorist Act. The journalists, who worked for the Sindhi daily newspaper Alakh, were charged with publishing derogatory words against the Prophet and insulting the religious feelings of Muslims, according to press reports (see Section 2.c.).

The competitive nature of politics helps to ensure press freedom, since the media often serves as a forum for political parties, commercial, religious, and various other interests, as well as influential individuals, to compete with and criticize each other publicly. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from the public scrutiny and criticism routinely experienced by their secular counterparts. The press traditionally has avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) has served to hold press coverage of military matters under close restraint. Officially, the ISPR closely controls and coordinates the release of military news and access to military sources.

Detailed public discussion of the military as an institution is hampered severely since any published discussion, let alone criticism, of the defense budget is proscribed by law. However, in 1997 this code of silence was undermined when a National Assembly committee, by discussion of defense appropriations and corruption in defense contracts in open session, made possible (and legal) newspaper coverage of the same issues. Discussion of the defense budget continued during the year, especially in the English language press. The resignation of Chief of Army Staff General Jehangir Karamat in October 1998 also was widely discussed in the press.

Government leaks, while not uncommon, are managed carefully: It is common knowledge that journalists, who routinely are underpaid, are on the unofficial payrolls of many competing interests, and the military (or elements within it) is presumed to be no exception. Favorable press coverage in 1998 of the Prime Minister's family compound/hospital/college south of Lahore was widely understood to have been obtained for a price. Rumors of intimidation, heavy-handed surveillance, and even legal action to quiet the unduly curious or nondeferential reporter are common. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its control over the supply of newsprint and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures, especially when critical of the Prime Minister or his family. A number of high profile cases of arrest and intimidation of government critics during the year support these claims. The owners of the Jang newspaper group, which publishes widely read Urdu and English language dailies, and had published articles unflattering to the Sharif Government, state that the Sharif Government made a number of demands on the group in 1998. These demands included that Jang fire 16 senior journalists who were critical of the Sharif Government and replace them with journalists of the Sharif Government's choosing; that Jang publications refrain from publishing negative articles about the Sharif family; that Jang publications support the adoption of the 15th Amendment; and that Jang publications adopt a progovernment editorial slant. There is credible evidence that Senator Saifur Rehman, a close associate of the Prime Minister and head of the Accountability Bureau, demanded that they be fired. The Sharif Government froze Jang group bank accounts, ceased placing government advertising in Jang newspapers, filed approximately $13 million (PRs 676 million) in income tax notices with the group, sealed Jang warehouses, severely limited Jang's access to newsprint, and raided the group's offices in December 1998. The Sharif Government filed sedition charges against Jang publisher Mir Shakil Ur Rehman. Police again raided Jang premises on January 31, reportedly confiscating newsprint. In February the Sharif Government suspended its sedition case against Rehman and ceased direct interference with publication of Jang group newspapers. However, by August, Jang had modified

its editorial content, stopped allowing one prominent journalist to use her own byline, and hired pro-Government journalists. At year's end, the tax charges remain outstanding.

In May a crackdown on the press began. Prominent journalist Najam Sethi, editor of the weekly newspaper Friday Times, was arrested and detained on May 8 after an April 30 speech in New Delhi in which Sethi highlighted a number of crises faced by the country; the speech previously was published without incident in the Lahore-based Friday Times newspaper. Sethi also allegedly had assisted a British Broadcasting Corporation (BBC) reporting team that was investigating corruption within the Prime Minister's family. Approximately 30 policemen broke into Sethi's home very early in the morning, beat him, tied up his wife, destroyed property, and detained Sethi without a warrant. According to press reports, Sethi was detained and interrogated by Government intelligence services as a suspected "espionage agent." Sethi was held incommunicado for several days and was denied access to an attorney. On May 13, a plainclothes police detachment seized over 30,000 copies of the Friday Times, essentially the entire press run for the week. Police produced no warrant or court order. On May 20, the Supreme Court ordered that Sethi be allowed visits with his wife. On June 1, Sethi was transferred from the custody of the Inter Services Intelligence Department to police custody. At that time, Sethi was ordered held for 7 days on police remand, pending a hearing by an antiterrorist court magistrate regarding charges of "antinational activities" filed by a ruling party member of the National Assembly. On June 2, following intense international pressure and strong criticism from the Pakistani Supreme Court, the Attorney General dropped the charges against Sethi and ordered him released. Sethi was released the same day. However, Sharif Government pressure on Sethi did not end with his release from jail. Sethi was called to appear before the Chief Electoral Commission to defend himself against charges made by a ruling party member of the National Assembly that Sethi's name should be struck from Muslim electoral rolls. The Pakistan Muslim League legislator argued that Sethi was a non-Muslim as defined by Section 260 (3) of the Constitution, and he further argued that as a former federal minister, his comments in New Delhi disqualified him for further legislative service under Sections 62 and 63 of the Constitution. These sections disqualify those who "oppose the ideology of Pakistan" from serving in the National Assembly or Senate. The case against Sethi was dismissed by the Chief Election Commissioner on October 6. In June Sethi found that he had been placed on the Exit Control List, and reportedly was not permitted to leave the country to receive a human rights award in London. According to Sethi, there are also approximately 50 tax cases currently filed against him and his family.

Other journalists also were targeted, many of whom also had assisted the BBC documentary team that was investigating corruption within the Sharif family. On May 4, the Intelligence Bureau detained opposition political leader and commentator Hussain Haqqani. A vocal critic of the Government, Haqqani highlighted wrongdoing by government officials in his writings, and assisted the BBC documentary team investigating corruption. Haqqani was held by the Intelligence Bureau between May 4 and May 7, based on corruption charges filed previously. According to Haqqani, his interrogators demanded to know why he had been critical of the Government and questioned him about the activities of Najam Sethi; Haqqani was beaten while in custody. Haqqani was transferred to Federal Investigative Agency custody on May 7. On May 10, Haqqani's lawyer was allowed access to his client. Haqqani was released on bail on July 30. The charges are still pending. The authorities also harassed other journalists involved in the BBC documentary. Idrees Bakhtiar, the BBC's correspondent in Karachi, was questioned by police and subjected to a warrantless search of his home in February. Mehmood Ahmed Khan Lodhi, a journalist, was questioned by police authorities from May 2–4 concerning his involvement in the documentary. Lodhi was released after journalists covering the Punjab provincial assembly boycotted the May 4 assembly session to protest Lodhi's arrest. Imtiaz Alam, current affairs editor of The News, reportedly received threatening phone calls, including death threats, regarding his contacts with the BBC film crew; on May 5, unknown persons set his car on fire. Ejaz Haider, news editor at the Friday Times, also reported receiving death threats in early May.

A number of journalists—including Ejaz Haider Bokhari of the Friday Times, Imtiaz Alam of the News, and Dawn Islamabad bureau chief Mohammed Ziauddin—were subjected to warnings from police or anonymous sources regarding their criticism of government policies. In March Dawn correspondent M.H. Khan was charged in Hyderabad for a story that showed photographs of fettered prisoners. Police looking for "objectionable" material raided the Karachi home of News reporter Gul Nasreen Akhter. In July the news editor of the Sindhi daily Kawish was arrested in Kotri, apparently after criticism of the police in the press. On July 5, the staff

of the magazine Pulse arrived at work to find that the offices had been broken into and raided by unknown persons, shortly after the magazine had published a series of stories detailing corruption within the Intelligence Bureau. An editorial in the News noted that reports of Sindhi journalists or editors being taken into custody "regularly appear" in newspapers. News reporter Moosa Kaleem was detained in August on unspecified charges. Journalist Maleeha Lodhi in January reported harassment including death threats, phone tapping and threatened accountability cases because of her position at the Jang publication The News.

Foreign reporters also reported harassment by the Sharif Government during the year, after publication of stories unflattering to the Sharif family.

The increasing harassment and detention of journalists during the first 10 months of the year led to increasing self-censorship by members of the press. For example, by August, the Jang group, which had suffered harassment earlier in the year, acceded to some of the Government's demands regarding its reporting, editorial content, and hiring, including not publishing stories critical of the Prime Minister and his business interests.

Following the October 12 coup, the Musharraf regime appeared to cease direct efforts to manage the press, which were common under the Sharif Government. Articles critical of the Musharraf regime appeared regularly in the press. After the coup, editors and journalists reported no attempts by the ISPR or other government agencies to influence editorial content. However, some journalists continued to practice self-censorship as a precautionary measure, and the Supreme Court charged Dawn journalist Ardeshir Cowasjee with contempt of court on October 26 following comments Cowasjee made on television regarding corruption in the judiciary. The chief legal advisor to General Musharraf, senior National Security Council member Sharifuddin Pirzada, appeared as a friend of the court on behalf of Cowasjee.

At year's end, the case had not been resolved. During a December 11 protest against the handling of a criminal case in Lahore, the police beat press photographers and smashed their cameras, after photographers reportedly recognized a plainclothes policeman, who was hurling bricks into the crowd (see Section 1.c.). The following day, apparently acting on erroneous information, the Lahore police entered the Lahore Press Club and tried to block all entry and exit points in an attempt to stop a follow-up demonstration. The demonstration, actually scheduled for December 13, was held without incident.

The State no longer publishes daily newspapers; the former Press Trust sold or liquidated its string of newspapers and magazines in the early 1990's. The Ministry of Information controls and manages the country's primary wire service—APP, the Associated Press of Pakistan. APP is both the Government's own news agency and the official carrier of international wire service stories to the local media. The few small privately owned wire services usually are circumspect in their coverage of sensitive domestic news and tend to follow a government line.

A Print, Press, and Publications Ordinance, requiring the registration of printing presses and newspapers, was allowed to lapse in 1997 after several years of waning application. In practice, registering a new publication is a simple administrative act, and is not subject to political or government scrutiny.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but are likewise subject to censorship for objectionable sexual or religious content. English language publications have not been affected by the direct proscription of books and magazines promulgated by the Chief Commissioner in Islamabad, who banned five Sindhi-language publications in the second half of 1997 for "objectionable material against Pakistan," i.e., expressions of Sindhi nationalism.

Privately owned newspapers freely discuss public policy and criticize the Government. They report remarks made by opposition politicians, and their editorials reflect a wide spectrum of views. The effort to ensure that newspapers carry their statements or press releases sometimes leads to undue pressure by local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests. Such pressure is a common feature of journalism, and, when a group is extreme in its views, can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. At times landlords and their agents, who have become accustomed to terrorizing the powerless on their lands in an atmosphere of impunity, also retaliate against journalists who shed light on their crimes. Journalists working in small provincial towns and villages generally can expect more difficulties from arbitrary local authorities and influential individuals than their big city counterparts. However, violence against and intimidation of journalists is a nationwide problem.

The broadcast media are government monopolies. The Government owns and operates the bulk of radio and television stations through its two official broadcast bureaucracies, the Pakistan Broadcasting Corporation and Pakistan Television (PTV). Domestic news coverage and public affairs programming on these broadcast media are controlled closely by the Government and traditionally have reflected strongly the views of the party in power. One private radio station, one television broadcaster, and a semi-private cable television operation have been licensed under special contractual arrangements with the Government (these were under investigation for possible corruption in making deals, but so far no irregularities have been found). The semi-private television station, Shalimar Television Network (STN), occasionally has been closed due to disputes with the Ministry of Information and to financial difficulties. None of these stations is permitted to produce news and public affairs programming; the private television station rebroadcasts or simulcasts the regular PTV evening news. The Shalimar Television Network also rebroadcasts PTV news, in addition to current affairs programming from foreign broadcasters, such as the British Broadcasting Corporation. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, are foreign news stories censored for content. In July, soon after STN aired news stories critical of the Sharif Government's handling of the Kargil crisis, the government-owned and operated Pakistan Television Corporation (PTV) announced plans to turn the STN into an "all-news" channel, scheduled to start in October; after the coup, the starting date was rescheduled for March, 2000. This station would be under direct government control. The Prime Minister established strict rules regulating morality in government broadcasting and advertising on PTV in 1997, banning western-style dancing, male and female co-hosting of programs, and depictions of women washing in soap commercials. In January 1998, the government of Punjab stated that dances performed by women would be banned from television broadcasts, but took no steps to implement the decree. The Ministry of Information monitors advertising on all broadcast media, editing or removing advertisements deemed morally objectionable. The Secretary for Information was quoted in the press as stating that additional, private television and radio channels would soon be licensed, echoing a pledge made by General Musharraf. However, by year's end, no such licenses were granted. Satellite dishes are readily available on the local market and are 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 very important sources of news and information, as well as popular entertainment. On October 12, as the coup was occurring, television and radio programming was interrupted for several hours.

Literary and creative works remain generally free of censorship. Dance performances, even classical performances, are subject to protest by certain religious groups. Obscene literature, a category broadly defined by the Government, is subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, are broadcast on television, but some sensitive series have been cancelled before broadcast.

The Government and universities generally respect academic freedom. The atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to threaten academic freedom, despite the fact that a 1992 Supreme Court ruling prohibits student political organizations on campuses. On some campuses, well-armed groups of students, primarily from radical religious organizations, clash with and intimidate other students, instructors, and administrators on matters of language, syllabus, examination policies, grades, doctrine, and dress. These groups facilitate cheating on examinations, interfere in the hiring of staff at the campuses, control new admissions, and sometimes control the funds of their institutions. At Punjab University, the largest university in the province, Islami Jamiat-e-Tulaba (IJT—the student wing of the religious political party Jamaat-i-Islami) imposes its self-defined code of conduct on teachers and other students. On December 21, 18 persons at Quaid-e-Azam University were injured in a clash between Pakhtun and Sindhi students at the university. There have been no arrests in connection with the incident.

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, while the Government generally permits peaceful assembly, it occasionally interferes with large rallies, which are held by all political parties. Since 1984 Ahmadis have been prohibited from holding any conferences or gatherings.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons when demonstrations seemed likely to result in violence. During the year, police made preventive arrests of polit-

ical party organizers prior to announced demonstrations. In August police detained as many as 2,500 workers of the Pakistan People's Party (PPP) and the MQM in Sindh several days before a planned September 4 strike organized by the PPP. On September 24, Sindh provincial authorities prohibited a march that was to be held by opposition parties on September 25. Police blocked off the starting point for the march and detained hundreds of MQM and PPP activists and senior leaders prior to the event, as well as in the days immediately after it was to have occurred. Among those detained was MQM Senator Nasreen Jalil, who was arrested at her home on September 24 and held incommunicado for several days; she was released on September 29. The family members of those sought by the authorities reported forcible, warrantless searches, and at least two adult children of absent opposition party leaders were arrested when police could not locate their parents (see Sections 1.d. and 1.f.). In October the authorities blocked a march planned by the Jammu and Kashmir Liberation Front in Kashmir. Police arrested as many as 250 activists prior to and during the planned event.

The MQM has been harassed in its regular political activities, especially by the Sindh police. In one of several such incidents, the police cordoned off the MQM headquarters ("nine zero") on July 31 and surrounded a residential area. Persons living in the area were barred from leaving for work, and visitors were not allowed to enter. On the same day, according to the MQM, a busload of supporters coming from Nawabshah to support an MQM hunger strike was stopped near nine zero and told to leave Karachi. On August 14, as party members enforced a strike by threatening shopkeepers with pistols in Hyderabad, police beat MQM marchers. However, larger and more prominent demonstrations, such as the party's August 14 Independence Day march to the tomb of Pakistan's founder, took place with only minimal harassment.

In August the Government issued a new ordinance related to the antiterrorism courts (see Section 1.e.). One section of the ordinance made "illegal strikes, go-slows, (or) lock outs . . ." punishable by up to 7 years' imprisonment and a fine. A wide spectrum of opposition groups opposed this measure, fearing that it would be used to silence legitimate dissent. Some groups argued that the ordinance was adopted specifically to counter opposition plans to organize a strike on September 4.

Police sometimes used excessive force against demonstrators. In September, large numbers of police were deployed in Karachi in preparation for a September 4 opposition strike. The police killed two MQM activists. On September 4, police used water cannons, teargas, and batons to counter a PPP sit-in in Karachi on September 12. On September 25, persons who attempted to hold a march, which had been prohibited, were dispersed by police, who beat and used tear gas against them. In October police used force to disperse a planned march by the Jammu and Kashmir Liberation Front in Kashmir.

The authorities sometimes prevented leaders of politico-religious parties from traveling to certain areas if they believed that the presence of such leaders would increase sectarian tensions or cause public violence. In April, the leader of the Tehrik-i-Nefaz-i-Shariat-i-Mohammadi (TNSM), Mullah Sufi Mohammad, was released from house arrest in Malakand. In April meetings of five or more persons were banned in Malakand division, but were lifted shortly afterwards when Sufi agreed to address only his party's meetings. In September Jamiat Ulema-i-Islami leader Fazlur Rehman was placed under house arrest by the Sharif Government to prevent him from traveling to NWFP tribal areas to address a political rally (see Section 1.d.). In November the Musharraf regime also briefly placed Rehman under house arrest to prevent him from leading a political demonstration in the NWFP.

The Constitution provides for freedom of association subject to restriction by government ordinance and law; however, while these ordinances and laws apparently have not been used since the martial law period, the Sharif Government targeted the activities of NGO's, revoking the licenses of almost 2,000 NGO's in Punjab. In November, the government of Punjab lifted the ban on the registration of NGO's imposed under the Sharif Government, but the NGO's previously delicensed remained so at year's end. There are no banned groups or parties.

c. *Freedom of Religion.*—Pakistan is an Islamic republic in which approximately 95 percent of the population is Muslim, and while the Constitution grants citizens the right to "profess, practice, and propagate" their religion, the Government imposes limits on freedom of religion. The majority of the population is Sunni Muslim, but 20 to 25 percent of the population is Shi'a. The Constitution requires that laws be consistent with Islam and imposes some elements of Koranic law on both Muslims and religious minorities. While there is no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against such an action is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts are common. Members of reli-

gious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or charge persons who commit them. For example, according to the HRCP, in one case prior to 1999, Muhammad Akram was threatened with death by an influential local religious organization after he joined the Ahmadiyya community, whose members are regarded as non-Muslims under the Constitution. The threat was published on the organization's own letterhead, but no legal action has been taken against the group.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Students of other faiths are not required to study Islam but are not provided with parallel studies in their own religion. In practice many non-Muslim students are compelled by teachers to complete the Islamiyyat studies. An education policy announced by the Government in 1998 included provisions for increased mandatory Islamic instruction in public schools.

Minority religious groups feared that the explicit constitutional imposition of Shari'a (Islamic law) favored by the Prime Minister in his proposed 15th amendment and his goal of Islamizing government and society might further restrict the freedom to practice non-Islamic religions. The Sharif Government countered that the proposed amendment contained specific language protecting the rights of minorities. In two areas of the NWFP—in Malakand and Kohistan—Shari'a law was instituted beginning in January, in the first by regulation and the second by an ordinance. On September 20, a bill was passed by the NWFP Assembly that incorporated the Kohistan ordinance in into law; Shari'a law now applies in Kohistan (see Section 1.e.). On December 23, the Supreme Court ruled that interest is un-Islamic and directed the Government to implement an interest-free financial system by June, 2001. Discriminatory religious legislation has added to an atmosphere of religious intolerance, which has led to acts of violence directed against minority Muslim sects, as well as against Christians, Hindus, and members of Muslim offshoot sects such as Ahmadis and Zikris (see Section 5). Since the coup, no action has been taken on the 15th amendment.

Then-Prime Minister Sharif spoke out in support of the rights of religious minorities, and hosted a Christmas dinner in 1997 for 1,200 persons. In September, the Government removed colonial-era entries for "sect" from government job application forms to prevent discrimination in hiring. However, the faith of some, particularly Christians, often can be ascertained from their names. General Musharraf and members of his staff apparently consulted with religious minorities on some cabinet appointments.

In February 1997, a mob looted and burned the Christian village of Shantinagar in Punjab. Local police participated in the attack and are suspected of having instigated the riot by inventing spurious charges that a Christian man had desecrated a copy of the Koran. Hundreds of homes and a dozen churches were destroyed, and 20,000 persons were left homeless. The central Government took immediate relief action, deploying troops briefly to restore order, and the Prime Minister visited the village. The Government has rebuilt damaged and destroyed homes, but has not provided compensation for personal property lost in the incident. The villagers remain fearful of further attacks, and the police officers believed to be responsible for the riot, though transferred and briefly suspended, have not faced criminal sanctions. The 86 persons who were charged with offenses related to the attack remain free on bail and there was no indication that authorities planned to bring them to trial.

In March 1998, a district court in Rawalpindi removed three sisters, ages 11 to 15, who had converted from Christianity to Islam, from the custody of their Christian parents. The importance of the parents' religion in the judge's decision, however, was not clear. A subsequent court decision in March, over the parents' objections, awarded custody of the two youngest girls to their older sister (who reportedly had converted to Islam) and her Muslim husband; the eldest of the three girls reportedly had married her attorney. The girl's parents attributed the loss of their girls to the influence of religious extremists who packed the courtroom, and claim to have suffered harassment because of the case. The girls' family since has moved, and reportedly is in hiding.

The Ahmadis are subject to specific restrictions under law. A 1974 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 1984 the Government inserted Section 298(c) into the Penal Code, prohibiting Ahmadis from calling themselves Muslim and banning them from using Islamic words, phrases, and greetings. The constitutionality of Section 298(c) was upheld in a split-decision Supreme Court case in 1996. The punishment for violation of this section is imprisonment for up to 3 years and a fine. This provision has been used exten-

sively by the Government and anti-Ahmadi religious groups to harass Ahmadis. Ahmadis continue to suffer from a variety of 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 faith, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Since 1984, Ahmadis have been prohibited from holding any conferences or gatherings. Tabloid-style Urdu newspapers also frequently whip up popular emotions against Ahmadis by running "conspiracy" stories.

Section 295(a), the blasphemy provision of the Penal Code, originally stipulated a maximum 2-year sentence for insulting the religion of any class of citizens. This sentence was increased to 10 years in 1991. In 1982 Section 295(b) was added, which stipulated a sentence of life imprisonment for "whoever willfully defiles, damages, or desecrates a copy of the holy Koran." In 1986 another amendment, Section 295(c), established the death penalty or life imprisonment for directly or indirectly defiling "the sacred name of the holy prophet Mohammed." In 1991 a court struck down the option of life imprisonment. These laws, especially Section 295(c), have been used by rivals and the authorities to threaten, punish, or intimidate Ahmadis, Christians, and even orthodox Muslims. No one has been executed by the State under any of these provisions, although religious extremists have killed some persons accused under them. Since 1996 magistrates have been required to investigate allegations of blasphemy to see whether they are credible before filing formal charges. During the year, the Ministry of Religious Affairs announced the creation of "Peace Committees" to review charges of blasphemy before the police can act on them; however, these committees are not yet operative. On September 8, Ataulla Waraich was arrested and charged under Section 298(b) after he constructed an Ahmadi mosque on his property; during the year, Qim Ali was charged with violating Section 298(c) because he stated that he was a Muslim, and Dr. Abdul Ghani Ahmadi was charged under Sections 295(a), 295(c), 298(c) for preaching. In September 1998, a Shi'a Muslim, Ghulam Akbar, was convicted of blasphemy in Rahimyar Khan, Punjab, for allegedly making derogatory remarks about the Prophet Mohammed in 1995. He was sentenced to death, the first time a Muslim had been sentenced to death for a violation of the blasphemy law. The case remained under appeal as of June 30; there was no further information on the case at year's end. Ghulam Hussain, a Shi'a Muslim, received a 30-year jail sentence and a $1,500 (PRs 75,000) fine for blasphemy against the companions of the prophet.

According to Ahmadi sources, 80 Ahmadis were implicated in criminal cases on a "religious basis" (including blasphemy) in 22 cases between January and early December; 44 Ahmadis were charged with violating blasphemy and anti-Ahmadi laws during 1998. According to these sources, a total of 195 Ahmadis have been charged under the law since its inception. A Christian organization, the National Commission for Justice and Peace (NCJP), used public sources to compile lists of accused under the blasphemy law. By the NCJP's statistics, 14 incidents involving accusations of blasphemy on the part of Muslims took place between January and June. Ghulam Mustafa, an Ahmadi religious teacher, was charged for preaching on February 15 under Sections 298(c) and 295c. Intizar Ahmad Bajwa was charged in Purur under 298(c) on May 19. On June 21, three Ahmadis were arrested and another three were charged with blasphemy in Sheikupura, Punjab. Seven Ahmadis were charged in Bakhoo Bhatti, Punjab, with blasphemy on July 3. Mustaq Ahmad Saggon and Nasir Ahmad, two Ahmadis, were charged in Muzaffargarh on July 19 under Section 295 for preaching and distribution of religious literature. The case has been transferred to an antiterrorist court at Dera Ghazi Khan. On July 30, according to Ahmadi sources, a subdivisional magistrate ordered an Ahmadi mosque sealed in Naseerabad, Sindh; it remained sealed at year's end. Three Ahmadis were convicted of blasphemy in December 1997. Abdul Qadeer, Muhammad Shahbaz, and Ishfaq Ahmad were found guilty of violating Section 295(c) and sentenced to life imprisonment and $1,250(PRs 50,000) fines. Lawyers for the men have appealed the decision to the Lahore High Court, whose ruling had not been issued by year's end. The Lahore High Court has turned down an application for bail while this appeal is under consideration. Their request for bail has been taken to the Supreme Court, which has not yet given a date for a bail hearing. In the meantime, the men are serving their sentences in the Sheikhupura jail. A number of other persons are in jails awaiting trial on blasphemy charges. A Muslim religious scholar, Muhammad Yusuf Ali, was charged under Sections 295(a) and (c) and was jailed in a class "C" cell from March 1997 until his release in June. Due to threats by religious extremists, his wife had to resign from her job as a professor and go into hiding with their children.

On December 14, a group of several hundred persons looted and burned property in Haveli Lakha, Okara district, Punjab that belonged to Mohammad Nawaz, a local

Ahmadi leader accused of planning to build an Ahmadi house of worship. A neighbor reportedly incited the incident by accusing Nawaz of building the house of worship after the two were involved in a property dispute. Nawaz, a doctor, reportedly intended to build a free standing clinic next to his home. The mob destroyed the clinic, which was under construction, and looted and burned Nawaz's home. Police arrived at the scene, but did nothing to stop the crowd. By year's end, neither the neighbor nor anyone in the crowd had been arrested or questioned in connection with the incident, and police had taken no steps to find or return any of Nawaz's property. However, Nawaz and his two sons were arrested by the police on December 15 and charged with blasphemy. On December 20, Nawaz and his sons were granted bail, but the blasphemy case against them was pending at year's end. Other Ahmadis in Haveli Lakha also were charged with blasphemy in connection with the incident, even though they were not in the town at the time. Abdul Sattar Chaudhry, Muhammad Yar Jandeka, and Nasir Jandeka were charged under Section 298(c) for declaring themselves Muslims.

The predominantly Ahmadi town and spiritual center of Rabwah often has been a site of violence against Ahmadis (see Section 5). On November 17, 1998, the Punjab assembly unanimously passed a resolution to change the name of the Punjab town that serves as the administrative religious center of the Ahmadi community from "Rabwah" to "Chenab Nagar." The son of a prominent Muslim fundamentalist filed charges in March against prominent Ahmadi leaders in Rabwah. He charged that Mirza Masroor Ahmad, the country's senior Ahmadi leader, and retired Colonel Ayyaz Mahmud, the leader of the Ahmadis in Rabwah, had directed Ahmadi activists to cross out the name Chenab Nagar on a recently installed plaque and write in Rabwah. The plaque also contained Koranic verses. The Ahmadi leaders denied this allegation. On April 30, Ahmad and three of his colleagues were arrested on blasphemy charges for allegedly inciting the desecration of the plaque. The blasphemy charges against three of the four eventually were dropped, and the four were released after spending more than a week in jail. However, Ahmad still faces charges under Section 295(c), and the three others still face criminal charges under the Maintenance of Public Order Act.

In October Shafiq Masih, a Christian, was acquitted of a blasphemy charge under Section 295(c), but was sentenced to 8 years' imprisonment under Section 295(a) for having uttered derogatory comments against the Prophet Mohammed; he is appealing the decision. In December Hussain Masih, a Christian charged with blasphemy under Section 295(c), was granted bail due to lack of evidence, according to Christian activists. Masih, his son Isaac, and Sehr Ghuri had been accused in November 1998 of making derogatory remarks against the Prophet Mohammed and against the Muslim community. Ghuri was previously released on bail; Isaac Masih never surrendered to the authorities. Ayub Masih (a Christian detained since October 1996) was convicted of blasphemy under Section 295(c) for making favorable comments about Salman Rushdie, author of the controversial book "The Satanic Verses" and was sentenced to death in April 1998. Ayub's family and 13 other landless Christian families were forced from their village in 1996 following the charges. Masih survived an attempt on his life in 1997, when he was shot at outside of the courtroom while on trial. Although the case was pending appeal before the Lahore High Court, Ayub's principal defender, Faisalabad Roman Catholic bishop and human rights activist John Joseph, committed suicide in May 1998 with a handgun outside the Sahiwal court where Ayub had been convicted, to protest the conviction. The High Court appeal is still pending. Following the Bishop's suicide, there were violent incidents in Faisalabad and Lahore, involving both Christian and Muslim perpetrators. Another Christian, Ranjha Masih, was charged with blasphemy during one of these incidents after throwing rocks at an Islamic sign; he remains in a Faisalabad prison. Nazir Masih, a Christian arrested and charged under Sections 298 and 298(a) in August 1998 for allegedly insulting the daughter of the Prophet Mohammed, was released on bail during the year.

In March a judge in the antiterrorist court of Muzaffargarh sentenced Muhammad Ishaq to 17 years in jail and a $2,000 (PRs 100,000) fine for propagating "un-Islamic" ideas. Ishaq was a member of the association of Partisans of Islam. In November two journalists, Zahoor Ansari and Ayub Khoso, were sentenced to 17 years in prison and a fine by an antiterrorist court. The journalists, who worked for the Sindhi daily newspaper Alakh, were charged with publishing derogatory words against the Prophet and insulting the religious feelings of Muslims, according to press reports (see Section 2.a.).

Sectarian violence and tensions continued to be a serious problem throughout the country. One newspaper reported that there have been 300 persons killed in sectarian violence in Punjab in the last 2 years (see Section 1.a.). However, sectarian violence decreased after the October 12 coup.

In April Prime Minister Sharif established a 10-member committee of religious scholars whose declared purpose was to eliminate growing sectarian terrorism and religious dissension in the country. The committee collapsed after a few weeks because Shi'a leaders were unhappy with the committee chairman, Dr. Israr Ahmad, head of the Tanzeem-e-Islami, who reportedly has a reputation for religious intolerance. In the same month, President Rafiq Tarar chaired a seminar in Lahore to foster better understanding between Christians and Muslims. At this interfaith gathering, participants discussed reconciliation efforts since the February 1997 anti-Christian violence in the Christian community of Shantinagar in Punjab, in which mobs looted and burned the village. Hundreds of homes and a dozen churches were destroyed, and 20,000 persons were left homeless.

However, after the coup, sectarian violence decreased. General Musharraf emphasized the rights of religious minorities in his speeches, and the Musharraf Government stated that it was committed to protecting the rights of religious minorities. According to persons in religious minority communities, the Musharraf Government made efforts to seek minority input into decision-making and offered cabinet positions to individuals from religious minority communities. General Musharraf appointed an Islamic religious scholar to the National Security Council.

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, judges and magistrates, seeking to avoid a confrontation with the extremists, often continue trials indefinitely, and the accused is burdened with further legal costs and repeated court appearances. Many judges also seek to pass the cases to other jurists. Prior to his killing in 1997, Lahore High Court justice Arif Iqbal Hussain Bhatti, one of the two judges who in 1995 ruled to acquit accused Christian blasphemers Salamat and Rehmat Masih, received several death threats from Islamic extremist groups. Bhatti's killer, presumed to be a religious extremist, was arrested during the year, and is being held in Camp Jail in Lahore.

The Government distinguishes between Muslims and non-Muslims with regard to political rights. In national and local elections, Muslims cast their votes for Muslim candidates by geographic locality, while non-Muslims can cast their votes only for at-large non-Muslim candidates. Legal provisions for minority reserved seats do not extend to the Senate and the Federal Cabinet, which currently are composed entirely of Muslims. 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 a religious oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (see Section 3).

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.

The Government designates religion on passports. In order to get a passport, citizens must declare whether they are Muslim or non-Muslim; Muslims must also affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Most citizens enjoy freedom of movement within the country and the freedom to travel abroad; however, the Government limits these rights. The authorities at times prevent political party leaders from traveling to certain parts of the country; on September 3, the Government placed Fazlur Rehman, the leader of one faction of the religious party Jamiat Ulema-i-Islami, under house arrest to prevent him from traveling to the NWFP tribal areas to attend a political rally. He was released 3 days later (see Section 2.b.). Travel to Israel is prohibited by law. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement rarely is enforced against students. Citizens regularly exercise the right to emigrate. However, an Exit Control List (ECL), which is constantly being revised, is used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. The Human Rights Commission of Pakistan estimated that there were 1,738 individuals reportedly on the ECL in late 1998, including 56 parliamentarians. As of early November, the press reported that as many as 8,000 persons suspected of corruption were believed to be on the ECL, many of them placed there by the Musharraf regime. After the coup, all parliamentarians also were placed on the ECL. No judicial action is required to add a name to the ECL, and there is no judicial recourse or formal appeal mechanism if one's name is added. The process for adding names to the list is not open to public scrutiny. Zafaryab Ahmed, a prominent human rights activist, was placed on the ECL in 1998 and was not allowed

to leave the country until December 1998. However, in some instances, courts have directed the Government to lift restrictions on some ECL-listed politicians' travel abroad. For example, Benazir Bhutto, former Prime Minister and leader of the PPP, was placed on the ECL and was prevented from leaving the country in December 1998. Bhutto was allowed to leave later that month following a court order to the Government to lift the travel restriction against her.

The Sharif Government continued to use ECL authority to harass opponents and assist the politically powerful. Politicians who angered the Sharif Government were regularly placed on the Exit Control List, often hearing about the restriction only when attempting to board international flights. Journalist Najam Sethi, who was charged with treason by the Sharif Government (see Section 2.a.), also was placed on the ECL, and reportedly was not permitted to leave the country in June to receive a human rights award in London. According to press reports, Syed Qamar Abbas, a former member of the NWFP assembly, was placed on the ECL while he was on trial for murder; he was removed after his acquittal. The ECL sometimes is used by the politically powerful in connection with personal disputes. Humaira Mahmood, a woman who married in defiance of her father's wishes, was placed arbitrarily on the ECL in December 1998 by her influential father. In January she and her husband were arrested when trying to leave Pakistan from Karachi airport. The couple eventually was allowed to depart Pakistan following intervention by the Lahore High Court (see Sections 1.d., 1.f., and 5).

The Musharraf regime stepped up the use of the ECL, particularly to prevent those suspected of loan defaults or corruption from leaving the country. According to press reports, over 3,000 names were added to the exit control list after the Musharraf regime came to power. The focus apparently was on potential loan defaulters, as part of the Musharraf regime's emphasis on accountability. The army enforced the ECL, especially after the expiration of the grace period for the repayment of defaulted loans on November 17. After October 12, there continued to be periodic reports of persons denied permission to travel. The Musharraf regime refused permission for former senator and human rights activist Nasreen Jalil to travel to a conference on penal reform held in Nepal in November. Human rights activist Asma Jehangir also was prevented from attending a meeting in Kosovo in December, in her capacity as U.N. Special Rapporteur on Extrajudicial Killings.

Pakistan has not signed the 1951 Convention Relating to the Status of Refugees and has not adopted domestic legislation concerning the treatment of refugees. In December the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change in the practice of granting "prima facie" status to all Afghans in the country; under the new policy, all refugee determinations are to be made on a case by case basis. Means for screening Afghan refugees have not yet been established, but the shift in policy implies an increase in the number of Afghans to be repatriated and a decrease in the admission of new arrivals.

The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. First asylum has been provided to refugees from Afghanistan since 1979, when several million Afghans fleeing Soviet occupation poured across the border. There still are believed to be 1.2 million Afghan refugees in Pakistan who have been granted first asylum. In addition to refugees recognized and assisted by UNHCR, a large number of unregistered Afghans are believed to live in the country, mostly in urban areas.

The Government has not granted permanent legal resettlement to Afghan refugees but allows them to live and work in Pakistan. Many are self-supporting and live outside of refugee camps, which has resulted in some hostility among local communities, whose residents believe that Afghans take job opportunities from them and contribute to crime in the country. On June 13, police in Peshawar swept Afghan shop keepers and their patrons out of the Hayatabad Kar Khanah market area, demolishing stalls as they went, and beating persons who resisted. This incident, along with the March press reports concerning the possible confinement of refugees to camps and the April relocation of Afghan refugees from the Nasir Bagh camp, led some to fear an attempt by the provincial government to make life more difficult for Afghan refugees and thus to encourage them to return to Afghanistan. The press reported on similar initiatives in Islamabad and Rawalpindi in November and December, but these plans had not been implemented by year's end. At the same time, authorities in Quetta detained a number of newly arrived Afghans, mostly non-Pakhtun minorities, with plans to deport them. UNHCR was permitted to screen a number of these detainees and those determined to be refugees were not deported.

Most refugee villages (camps) are well established, and living conditions resemble conditions in neighboring Pakistani villages, although assistance to the refugee villages has dropped off considerably since the early 1990's. Most recent arrivals have

moved to urban areas such as Peshawar and Quetta, but some have been located in camps such as New Akora Khattak camp, established in 1996. Conditions for newly arrived Afghans are less favorable than for refugees in the long-established camps. For example, sanitation, health care, shelter, and fresh water have been ongoing problems in New Akora Khattak, although new shelters, schools, and health facilities were established during the year. Some of the most recently arrived families still reside in makeshift tent dwellings. On April 23, the office of the Commissioner for Afghan Refugees began relocating 874 Afghan refugees from Nasir Bagh camp to make room for construction of a new highway. Some of these refugees were sent to New Akora Khattak camp. However, many reportedly returned to Afghanistan or moved to other locations in Pakistan. The relocation effort later slowed in 1999.

According to the UNHCR, there were no reports of the forced return of persons to a country where they feared persecution. The Government is cooperating with the UNHCR to support voluntary repatriation of Afghans to rural areas of Afghanistan considered to be safe. During the year, approximately 92,000 Afghans returned to Afghanistan; in 1998, approximately 93,000 Afghans returned to Afghanistan.

Afghan refugees have limited access to legal protection and depend on the ability of the UNHCR and leaders of their groups to resolve disputes among themselves and with Pakistanis. Police frequently attempt to prevent Afghan nationals from entering cities, and there are reports that some have been forced back into refugee camps. Most able-bodied male refugees have found at least intermittent employment, but they are not covered by labor laws. Women and girls obtained better education and health care than is currently available in Afghanistan from NGO's who provided services. However, Afghan women working for NGO's occasionally have been targets for harassment and violence by conservatives, including Taliban sympathizers, in the Afghan refugee community.

Afghan moderates also reportedly have been the targets of harassment and violence from conservatives in the Afghan refugee community, including Taliban or Taliban sympathizers. On January 12 in Peshawar, the wife and son of well-known Afghan moderate Abdul Haq were shot and killed in their sleep by unknown assailants. Haq is well known for his efforts to promote an intra-Afghan dialog; his brother was a former governor in Afghanistan who has joined forces with Ahmad Shah Masood against the Taliban. On March 27, Mohammed Jehanzeb, the secretary of Abdul Haq's brother (and Taliban opponent) Haji Qadir, was shot and killed by unknown assailants in Peshawar. On July 14, moderate Afghan tribal leader and former senator Abdul Ahmad Karzai was shot and killed by two gunmen while returning home from prayers at a local mosque. Between January 1998 and January 1999, it was estimated that up to 12 Afghan moderates or former members of the Communist Party were killed by unknown assailants (see Section 1.a.). Among those reported killed were Dagarwal Basir, General Nazar Mohammed, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha, and General Rahim.

By year's end, there had been no arrests or convictions in connection with any these killings. On December 4, a fire was reportedly set at the home of an Afghan moderate active in the intra-Afghan dialog movement in the Shamsatu refugee camp in Peshawar. The moderate's car and part of the moderate's residential compound were burned, but no one was injured.

The resettlement of Biharis continued to be a contentious issue. The Biharis are Urdu-speakers from the Indian state of Bihar who went to East Pakistan—now Bangladesh—at the time of partition in 1947. When Bangladesh became independent from Pakistan in 1971, the Biharis indicated a preference for resettlement in Pakistan. Since that time, approximately 250,000 Biharis have been in refugee camps in Bangladesh. While the Mohajir community—descendants of Muslims who immigrated to present-day Pakistan from India during partition—supports resettlement, the Sindhi community opposes it. In 1993 the Government flew 342 Biharis to Pakistan and placed them in temporary housing in central Punjab. No further resettlement has occurred.

Tens of thousands of persons reportedly left their homes on both sides of the line of control during the Kargil conflict; 100 villages on the Pakistani side of the line of control were reportedly evacuated in mid-June. In June there reportedly were 14,000 displaced persons from Indian-held Kashmir living in 20 camps on the Pakistani side of the line of control.

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

Until the military coup on October 12, citizens had the right and the ability to change their government peacefully. With certain exceptions, citizens 21 years of age and over had the right to vote. However, several million nomads and bonded

laborers could not vote because the National Election Commission had ruled that they did not "ordinarily reside in an electoral area", nor [did] they own or possess "a dwelling or immovable property in that area." Bonded laborers with an address and an identity card were eligible to vote. Political parties were allowed to operate freely after the full lifting of martial law in 1988. Unregistered political parties were permitted to participate in elections. Members of the national and provincial assemblies were elected directly. The Constitution required that the President and the Prime Minister be Muslims.

Even before the coup, the Chief of the Army Staff historically had exercised influence on many major policy decisions. After the imposition of a military government, the Constitution was suspended and representative bodies, including the National Assembly, the Senate, and the provincial assemblies, were suspended indefinitely. However, the Musharraf regime did not ban political parties, and the parties active prior to the coup, including the Pakistan Muslim League, continued their activities. The Musharraf regime pledged to return to democracy, but did not provide a timetable for elections by year's end. In December General Musharraf stated that local elections would be held by the end of 2000. Other senior government officials believe that these elections could be held as early as September 2000. General Musharraf also pledged to carry out electoral reforms, including the appointment of an autonomous electoral commission and the reconstitution of accurate, comprehensive electoral rolls, but took no action to implement such reforms by year's end. General Musharraf appointed a cabinet in late October and early November. Musharraf also appointed new governors in all four provinces in October.

National elections for national and provincial assemblies last were held in February 1997. Election observers, including teams from the Human Rights Commission of Pakistan, and groups representing the European Union, the Commonwealth of Nations, and the South Asian association for regional cooperation, concluded that the elections were generally "free and fair" with no evidence of systemic or widespread abuse of the electoral process. Prime Minister Nawaz Sharif's Pakistan Muslim League won a majority of seats and formed a government.

Elections for local government bodies were held in Punjab in May 1998. Although ruling party candidates won the most seats, the provincial government did not name chairmen to these bodies or allow them to take office until December 1998. Specially nominated women, worker, and peasant representatives were chosen, after long delay, in October 1998. Elections were held in Baluchistan in March and a chairman was named in August. Elections have not been held in the two other provinces since 1993, when these bodies were dissolved by a caretaker government because of charges of corruption. Local government elections were postponed indefinitely in NWFP and Sindh. In the interim, appointed civil servants continued to administer local governments in all four provinces. Since the coup on October 12, there have not been any active local bodies in any of the provinces. Local body elections are tentatively planned to occur in 2000.

Citizens' right to change the government has been restricted at the local level in Sindh. Elected local bodies (the rough equivalent of district and city councils) were replaced in April 1998 by appointed Khidmat (service) committees, which were packed heavily with supporters of the ruling Pakistan Muslim League, and were widely seen as an attempt to eliminate the need for local elections in Sindh. In November 1998, the Sharif Government imposed Governor's Rule in the province of Sindh. This decision followed a threat to the Sindh's ruling PML coalition government by one of its primary coalition partners. The reason cited by the Sharif Government for the imposition of Governor's Rule—which suspended the democratically elected provincial legislature and invested the State's appointed governor with the authority to oversee the province's affairs—was a critical law and order problem within the province. On June 17, then-Prime Minister Sharif created the position of Advisor on Sindh Affairs, and appointed Syed Ghous Ali Shah, a member of the PML, to the post. Despite the effective continuation of Governor's Rule in Sindh, Shah, not the governor, enjoyed executive powers in the province under the Sharif Government. Neither elected nor responsible to an elected body, Shah had primary responsibility for the management of the government of Sindh until his arrest following the October 12 coup. Suspension of the Sindh assembly did not require new elections, but members were able to do little more than give speeches and propose private bills 1 day a week. In September Syed Ghous Ali Shah announced the creation of an appointed "Members Advisory Council for the Prime Minister's Advisor on Sindh." The members of this council were to have the powers of a provincial minister, but the council was eliminated after October 12.

In October the local and provincial governments, including in Sindh, were suspended by the Musharraf regime; the provinces are ruled by governors appointed by General Musharraf.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—is not resolved. As a result, more than 1 million inhabitants of the northern areas are not covered under any Constitution and have no representation in the federal legislature. The area is administered by an appointed civil servant. While there is an elected Northern Areas Council, this body serves in an advisory capacity and has no authority to change laws or to raise and spend revenue. In May the Supreme Court directed the Government to take steps within 6 months that would provide the residents of the northern areas with government by their chosen representatives and an independent judiciary. The court left it to the Government to determine how this objective would be achieved. On November 3, the Musharraf regime allowed previously scheduled elections to take place in the northern areas. Independent candidates and candidates from the PML, the PPP, and the Tehrik-e-Jafria Pakistan won seats.

The right of citizens to change their government also has been hampered at the provincial level by the failure to release the 1998 census figures and by the likely underestimation of the population of Sindh and, in particular, Karachi. The national census, held after a delay of 7 years, was carried out in March 1998. The census was postponed repeatedly due to pressure from ethnic groups and provincial rivalries. Census figures serve as the basis for determining political representation and also for allocating funds to the various provinces from the federal treasury. Residents of areas who expected results that indicated either greater population shifts to their regions or smaller shifts away from their regions disputed preliminary census results. The 9.26 million census figure for Karachi, for example, is estimated to be 3 to 5 million short of the actual figure.

Although women participate in Government, and former Prime Minister Benazir Bhutto is leader of the opposition, they are underrepresented in political life at all levels. Six women held seats in the 217-member National Assembly, up from 4 seats in the previous Parliament. Thirty-five women, more than ever before, campaigned for seats in the 1997 national elections. The Parliamentary Commission on the Status of Women in Pakistan recommended reserving one-third of seats in all elected bodies for women. In April 1998, the Federal Cabinet announced that women's representation in local councils should be increased by 100 percent, but by year's end no steps had been taken to implement this announcement. While women participate in large numbers in elections, some women are dissuaded from voting in elections by family, religious, and social customs in rural areas. According to the Parliamentary Commission, women in some tribal areas were intimidated into not voting during the 1997 elections. Announcements were made on mosque loudspeakers that voting by women was un-Islamic and women going to polling stations risked having their houses burned down. As a result, no more than 37 women out of 6,600 registered to vote actually cast ballots in Jamrud, in the Khyber Agency. General Musharraf appointed a woman to his National Security Council and another to his cabinet.

Minorities are underrepresented in government and politics.

Under the electoral system, minorities vote for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Because of this system, local parliamentary representatives have little incentive to promote their minority constituents' interests. Many Christian activists state that these "separate electorates" are the greatest obstacle to the attainment of Christian religious and civil liberties. Ahmadi leaders encourage their followers not to register as "non-Muslims," so most Ahmadis are completely unrepresented. In the National Assembly (NA), Christians hold four reserved seats; Hindus and members of scheduled castes another four; Ahmadis one; and Sikhs, Buddhists, Parsis, and other non-Muslims one (see Section 2.c.). Each of the four categories is maintained on a separate electoral roll, and minorities cannot cast votes for the Muslim constituency seats. Also, under Article 106 of the Constitution, seats in the provincial assemblies are reserved for minorities. However, on June 28 the election tribunal of the NWFP disqualified Walter Siraj, the elected Christian seat member of the provincial assembly. Siraj's opponent had filed a petition alleging that Siraj rigged the election. A by-election was ordered. With the disqualification of Siraj, two of the three seats reserved for minorities in the NWFP were vacant. The 1997 general election report states that each Christian NA member represents 327,606 persons; each Hindu and scheduled castes NA member, 319,029; the Sikh, Buddhist, Parsi, and other non-Muslim member, 112,801; and the Ahmadi member 104,244. These figures significantly understate the population of most of the minority groups because they are based on 1981 census figures. By year's end, the 1998 census figures for religious minorities had not been published.

Tribal people are underrepresented in government and politics. The February 1997 elections for the eight National Assembly members from the FATA were for

the first time conducted on the basis of universal adult franchise. 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 for their candidates. Tribal people, including large numbers of women in some of the tribal agencies, registered to vote, despite campaigns by some tribes against female participation in the elections. However, on election day, far fewer registered women in proportion to registered men actually voted, as tribal traditions against public roles for women reasserted themselves.

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

There are several domestic human rights organizations, and new human rights and legal aid groups continue to form. These groups generally are free to operate without government restriction; they are, however, required to be licensed. The Government has provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. These threats became more explicit and public in 1998, with signed graffiti calling for the killing of well-known human rights activist Asma Jehangir.

However, the Sharif Government limited the freedom of association of NGO's, and revoked the licenses of almost 2,000 NGO's in Punjab (see Section 2.b.). Punjab's minister for women, social welfare, and Bait-ul-Mal Pir Syed Binyamin Rizvi began a campaign in the press against NGO's in late December 1998, particularly targeting NGO's that worked on women's issues and espoused "un-Islamic values." In January the Prime Minister ordered the government of the Punjab to begin a campaign to withdraw licensing of certain nongovernmental organizations. Without such licensing, the organizations were not permitted to operate. Altogether, the authorities withdrew the licenses of 1,941 organizations out of 5,967 that were licensed in Punjab in early May. The Sharif Government also reportedly pressed all NGO's to open their books, and published a list of NGO's receiving foreign funding. Delicensed NGO's that allegedly were nonexistent or engaged in fraudulent activity also had their bank accounts frozen. Forty-one other NGO's were probed, and 944 were given 3 months to improve their performance. In August the Government of the NWFP began a similar review of nongovernmental organizations within the province. Prior to its review of NGO's, NWFP authorities raided and closed the respected Aurat Association in Manshera, an NGO devoted to women's rights. The Sharif Government argued that the review of NGO's was an attempt to remove fraudulent and inactive NGO's from the registers. Representatives from NGO's countered that a number of legitimate groups were required to cease operations and that the withdrawal of licenses was in part an effort to bring NGO's more firmly under government control. Several prominent human rights groups in Karachi reported in May that they were harassed by false charges, allegedly planted by the Sharif Government in the Urdu press, that they were embezzling funds. At the same time, the head of an organization that publishes books about women's rights reported that she was the target of charges by a Sindh government official; the charges involved unspecified "anti-State" and "anti-Islam" activities. Prominent figures in the NGO community feared that this campaign against "corrupt" NGO's, along with harassment aimed at unpopular NGO's that were not shut down, was an attempt by the Sharif Government specifically to stifle NGO's working on unpopular issues, such as women's and civil rights, and those who disagreed with the Government, including those working against the 15th (Shari'a) Amendment and against the Government on nuclear issues.

At a conference organized by a number of influential advocacy NGO's in June, representatives from the NGO community complained that certain NGO's had suffered harassment by police authorities because of their advocacy activities. The Musharraf regime began an effort to reach out to civil society. Soon after taking office, the new Punjab government under General Musharraf on November 18 lifted the ban on NGO registration. Several Musharraf cabinet members were active with NGO's before their appointment.

International human rights organizations have been permitted to visit the country and travel freely. Several international organizations operate in the country, many of which aid refugees. However, since 1998 foreign NGO staff members have at times had difficulty in obtaining visas; certain international NGO's had consistent difficulty in obtaining such visas for their foreign staff.

The Ministry of Human Rights, established in 1995, is now a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs. Some 125

employees staff the department, which is headquartered in Islamabad and has four regional offices. The department has set up a "fund for women in distress and detention" and a "relief and revolving fund" for victims of human rights violations. Because of its limited budget, the department operates primarily on a case-by-case basis, but is seeking help from donor agencies on projects for institutional capacity building and human rights awareness. The department was able to finalize and begin limited implementation of a reform program for jails. However, the department is not viewed as very 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.

In August Prime Minister Sharif constituted a cabinet committee on human rights issues. According to press reports, the committee was to consider recommendations to remove "administrative lapses and legal lacunae" in the human rights area. No concrete action was taken by the committee prior to the October coup, and the committee was disbanded after the coup. However, members of General Musharraf's cabinet and of the National Security Council continue to meet on human rights issues.

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

The Constitution, which was suspended in October, provided for equality before the law for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth. In practice, however, there is significant discrimination based on these factors.

Women.—Domestic violence is a widespread and serious problem. Human rights groups estimate that anywhere from 70 to 90 percent of women are victims of domestic violence at the hands of their husbands, in-laws, or other relatives. The Progressive Women's Association reported in September that one out of every two women is the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported 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 are known to kill their wives even for trivial offenses. On March 22 in Karachi, Bilawal, after an argument with his wife Zainab, doused her with kerosene and burned her to death. This case was one of numerous incidents, consistent with the findings of a poll reported by the Pakistan Peace Coalition in April. A survey of 1,000 women in 10 communities of rural Punjab found that 82 percent of the women feared violence from their husbands over trivial matters. While abusers may be charged with assault, cases rarely are filed. Police usually return battered women to their abusive family members. Women are reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also are reluctant to report cases of abuse in order to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances which are rarely invoked and may privatize the crime (see Section 1.e.). However, Qisas and Diyat cannot be invoked where the victim's heir is a direct lineal descendant of the perpetrator, such as when a woman is killed by her husband. Police and judges tend to see domestic violence as a family problem, and are reluctant to take any action in such cases. Thus, it is very difficult for women to obtain relief from the justice system in cases of domestic violence.

The Shirkat Gah Women's Resource Center in Karachi published a report early in the year that summarized reports in the English-language press about violence against women in Pakistan between 1993 and 1998. Even in this selective medium, and limiting itself to reports of violence instigated by close male relatives, Shirkat Gah documented 535 women who were killed or who committed suicide during the period; 95 of the women were killed or committed suicide when they expressed interest in marrying a man of their own choice.

During the year, there were hundreds of incidents involving violence against women reported in the press. The press continued to draw attention to killings of married women by relatives over dowry or other family-related disputes. Most of the victims are burned to death, allegedly in kitchen stove accidents; some women were reportedly burned with acid. In a survey of newspaper reports in Lahore from January to November, the Human Rights Commission of Pakistan (HRCP) found a total of 675 killings of women and 272 burn cases involving women reported. Seventy-seven persons were held in connection with the killings; at year's end it was not known how many had been convicted, or if any individuals had been charged in connection with the burn cases. According to the Commission of Inquiry for Women, newspapers from Lahore reported an average of 15 cases of stove deaths per month

during a 6-month period in 1997; most of the victims were young married women. The Commission noted that many cases are not reported by hospitals and, even when they are, the police are reluctant to investigate or file charges. Human rights monitors agree that most "stove deaths" are in fact 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, there was no progress in the 1998 case of Shahnaz, who died after her husband poured gasoline on her and set her on fire. The police registered a case against her husband and three other in-laws. The case remained pending.

A crisis center for women in distress was opened in 1997 in Islamabad. The center, the first of its kind in Pakistan, is an initiative of the Ministry of Women's Development with the assistance of local NGO's. The center offers legal and medical referrals from volunteer doctors and lawyers, counseling from trained psychologists, and a hot line for women in distress. Although the center opened before funding had been allocated and staff hired, the center is now fully staffed. Staff for a second center in Vehari, in southern Punjab, began training in October.

Rape is an extensive problem. The HRCP estimates that at least eight women, five of them minors, are raped every day in Pakistan, and more than two-thirds of those are gang-raped. In 1997 the National Assembly passed a law that provided for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remained low. This is because rape, and gang rape in particular, is commonly used as a means of social control by landlords and local criminal bosses seeking to humiliate and terrorize local residents. Therefore, police rarely respond to and are sometimes implicated in these attacks. It is estimated that less than one-third of all rapes are reported to the police. The police themselves frequently are charged with raping women (see Section 1.c.). Parliamentary Affairs Minister Muhammad Yasin Khan Wattoo informed the Senate on April 28 that in the first 90 days of the year 472 women reported that they were raped. The HRCP in the first 9 months of the year tallied 485 rape cases recorded in Lahore newspapers. Of these instances, cases were registered in 74 percent of the rapes but suspects were arrested in only 10 percent. More than 50 percent involved gang rape. According to a police official, in a majority of rape cases the victims are pressured to drop rape charges because of the threat of Hudood adultery charges being brought against them. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, which carry either Hadd (Koranic) or Tazir (secular) punishments (see Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there is 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, is public flogging or stoning; however, in order for Hadd punishments to apply, special, more stringent rules of evidence are followed. Hadd punishments are mandatory if there is enough evidence to support them, and for sexual offenses require four adult male Muslims to witness the act or a confession. For non-Muslims or in cases where all of the 4 male witnesses are not Muslim, the punishment is less severe. The testimony of four female witnesses, or that of the victim alone, is 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 the evidence falls short of Hadd requirements, 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 of evidence and sentencing (under which a rapist may be sentenced to up to 25 years in prison and 30 lashes). No Hadd punishment has ever been applied in the 20 years that the Hudood ordinances have been in force. For Tazir punishments, there is no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Government has brought fewer charges against women under the Hudood Ordinances than in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. Even if a woman wishes to bring rape charges, she may have trouble bringing her attacker to justice. According to Amnesty International, men accused of rape sometimes are acquitted and released, while their victims are held on adultery charges.

According to Human Rights Watch, women face difficulty at every level of the judicial system in bringing rape cases. Police are reluctant to take the complaint and may act in an abusive fashion against the victim; the courts do not have consistent standards of proof as to what constitutes rape and to 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 are reluctant to convict; however, if there is some evidence, judges have been known to convict the accused of the lesser of-

fense of adultery or fornication (consensual sex). Human Rights Watch also reports 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 they are 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 also have been known to be physically and verbally abusive 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 are harassed by police or the perpetrators to drop the case. Police may accept bribes to get the complainant to drop a case, or may request bribes to carry it forward. Police tend to investigate the cases poorly, as well, 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 has criticized the Hudood Ordinances relating to extramarital sex and recommended that they be repealed, asserting that they are based on an erroneous interpretation of the 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, by that time, the Commission pointed out, the woman may have spent months in jail, suffering sexual abuse at the hands of the police and the destruction of her reputation. The Commission found that the main victims of the Hudood laws are poor women who are unable to defend themselves against slanderous charges. The laws 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. At year's end, 500 women were awaiting trial for adultery under the Hudood Ordinance in Lahore; 400 in Peshawar; and 300 in Mardan (see Section 1.e.).

Marital rape is not a crime. The 1979 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 are numerous reports of women killed or mutilated by male relatives who suspect them of adultery. Few such cases are investigated seriously and those who are arrested often are 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 so-called "honor killings", in order to restore tribal or family honor, applies equally to offending men and women, women are far more likely to be killed than men. The Progressive Women's Association, a human rights NGO, estimated in September that as many as 300 women are killed each year by their husbands or family, mostly as a result of "honor killings", known as ("karo/kari" in Sindh). The problem is believed to be even more extensive in rural Sindh. "Karo/kari" (or adulterer/adulteress) killings are common in rural Sindh and Baluchistan. The HRCP reported 19 such cases in February and 22 in May, noting that the actual figures are doubtless much higher. Tribal custom among the Baluch and the Pathans also sanctions such killings. The Commission of Inquiry for Women has rejected the whole concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Even women who are the victims of rape may become the victims of their families' vengeance against the victims' "defilement." In the Federally Administered Tribal Area's Kurram agency in March, Amnesty International reported that a tribal firing squad killed 16-year-old Lal Jamilla Mandokhel, a mentally retarded girl, after she was raped repeatedly by a field assistant in the agriculture department. The police took the accused into protective custody but turned the girl over to her tribe after the filing of a FIR. Her tribe found that she had brought shame to the tribe, which could only be remedied by her death. The tribesmen also demanded the return of her attacker

by police for public execution. AI also reported that if an accused adulteress is killed, and the adulterer manages to escape this fate, he may be required under the karo/kari tradition to compensate the family of the accused adulteress; sometimes, a woman from the adulterer's family is given in compensation to repair the honor of the adulteress' family.

The Government has failed to take action in honor killing cases, particularly when influential families are involved. Samia Imran, a married woman from Peshawar seeking a divorce against the wishes of her husband and her family and who was thought to be dishonoring them, was shot and killed on April 6 in the Lahore office of lawyer and human rights activist Hina Jilani. Her parents arranged the meeting on the pretext of consenting to the divorce. The victim's mother, Israt Bibi, was accompanied to the meeting by Habib ur-Rehman, who shot Samia when his presence at the meeting was challenged. Rehman took a hostage after the shooting and escaped with the victim's mother. Although Rehman was killed later in an exchange with police, the victim's mother, father, and uncle also were charged in the case. The perpetrators, who come from a prominent family, were not apprehended. The case generated extensive publicity, and Hina Jilani and her sister, prominent human rights activist Asma Jahangir, were threatened publicly with arrest and violence. According to Jilani, the police refused to take statements from eyewitnesses and tampered with evidence. Asma Jehangir and Hina Jilani were charged by Samia's father in June with kidnaping her, but the case has been stayed pending the case against her family members. FIRs had been filed against them by Samia's father in June. Many believe that the Sarwar family used their influence to stall the case and be granted pre-arrest bail. Amnesty International reported that Ghazala, a woman living in Joharabad, Punjab, was set on fire and killed by her brother on January 6 because her family suspected that she was in a relationship with a neighbor. On January 19 in Jampur city, Punjab, Ameer Bukhsh killed his wife Khadeja and a bank officer he alleged she was having an affair with. Buksh turned himself in for the killings, and his brother-in-law Abdul Qadir filed a complaint against him for murder, stating that Buksh killed the bank officer for some other reason and then killed his wife to cover it up. However, Qadir reportedly was threatened by the police with being implicated in a murder case if he did not change his story.

Trafficking in women also is a significant problem (see Section 6.f.).

There are significant barriers to the advancement of women, beginning at birth. In general female children are less valued and cared for than male children are. According to a United Nations study, girls receive less nourishment, health care, and education than boys do. According to a 1996 report by the Islamabad-based human development center, only 16 women are economically active for every 100 men.

Discrimination against women is particularly acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates are 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 45 percent of girls completing matriculation (10th grade) exams in science in 1999 would be able to find places in government-run colleges, as opposed to 95 percent of boys passing the same tests. For 14,424 girls passing the exam in 1999, only about 8,000 places are available, according to 1998 figures. In Baluchistan conditions are much worse, with only 2 percent of the province's women having received any formal education.

Human rights monitors and women's groups believe that a narrow interpretation of the 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 more readily accepted.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of them, and often the laws are not observed. The Parliamentary Commission of Inquiry for Women has recommended that marriage registration (nikahnama) be made mandatory and that women, as well as men, have the right to initiate divorce proceedings. It also has 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 to the age of 16 for females. However, the legal system is so complicated and lengthy that it can take years for the children to get maintenance.

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due. In rural areas, the practice of a woman "marrying the Koran" still is widely accepted 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 over 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 is violated, especially across ethnic lines, violence against the couple may result, and the authorities generally fail to prosecute such cases vigorously. The February 1998 marriage of a teenage Pathan girl to a Mohajir man in Karachi against her family's will led to large-scale ethnic riots in Karachi, the bringing of a kidnaping case against the groom, the shooting and serious injury of the groom in the courtroom, and numerous death threats against the groom and his family. In May 1998, a woman in Karachi was killed by her father, Alauddin, for marrying a mechanic from his auto repair shop. In July 1998 in the NWFP, Hidayat Bibi and her husband were killed by her uncle after they eloped. In a well publicized case, Humaira Mahmood, daughter of a Punjab provincial assembly member, in 1997 married Mahmood Butt against the wishes of her father. Soon after her marriage, she was beaten severely by her brother and allegedly was forced to register a marriage to her cousin. In November 1998, she took refuge in a shelter for women in Karachi. Mahmood's brother and several Punjab policemen from her father's district kidnaped her from the home in December 1998, with the acquiescence of Sindh police. Protests by women's groups led to the intervention of the governor and Mahmood's release from illegal detention to Darul Aman, a government-run shelter for women. However, soon after this she took refuge in another shelter in Karachi. Mahmood's name, along with her husband's, was placed on the ECL, preventing them from leaving the country. Mahmood appealed the placement of her name on the ECL. On January 28, she and her husband were detained without a warrant by Punjab police at the Karachi airport (in Sindh province), as they were trying to leave the country. Mahmood Butt's mother also was detained. Mahmood and her husband reportedly were taken separately to Lahore, where they were detained separately and were beaten in an attempt to force them to renounce their marriage. Humaira was charged with adultery by her father, based on a videotape of the sham marriage into which Humaira had been forced against her will. On January 28, Mahmood Butt and his mother were released by court order. Humaira also was briefly released. On February 2, the pair appeared in court in Lahore. On February 18, the Lahore High Court ruled that Humaira and Mahmood's 1997 marriage was valid, and that her marriage to her cousin was invalid. The court also dismissed the abduction charges against Mahmood Butt, ordered the release of Humaira Mahmood, imposed a 3-month prison sentence against Subah Sadiq, the police officer who detained the couple at the Karachi airport in January, and directed the Punjab inspector general of police to ensure their safety. Humaira's father appealed the court's decision. However, Humaira Mahmood and Mahmood Butt left the country without incident on February 20. No action was taken against Humaira's father.

Press reports routinely describe couples who are less fortunate, such as Abdul Ghaffar and Shabana Bibi of Gila Deedar Singh, who were abducted from a Gujranwala court on May 15 by 16 armed men representing Shabana Bibi's parents, who opposed the match. At year's end, the couple's fate was unknown. In July police in Kot Ghulam Mohammed (Mirpurkas district, Sindh) raided the home of Javed Dal and arrested his family members as hostages. Dal had eloped with his cousin. His wife's father, Somar Dal, used his influence as a member of the Sindh National Front executive committee to instigate the arrests, which were carried out without warrants.

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.

The value of women's testimony is not equal to that of a man's in certain court cases (see Section 1.e.).

Although a small number of women study and teach in universities, postgraduate employment opportunities 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.

Children.—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. Even in relatively prosperous Karachi, enrollment figures are low. Before his killing in October 1998, M.I. Memon the head of the Board of Intermediate and Secondary Education in Karachi estimated that only 1.1 million of Karachi's school-age children actually were attending school: 500,000 in the public schools; 500,000 in private schools; and 100,000 in madrassahs (Islamic religious schools). Since the lowest estimate of school-age children in Karachi is 4 million, even in the wealthiest, most developed city in the country, it would appear that no more than 27.5 percent of school age children are attending school. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures, 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. One member of the Prime Minister's education task force estimated that up to 50 percent of the education budget is "pilfered."

Information about progress in educating girls is contradictory. A recent survey found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but was 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 account for. Similarly, the female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it is just over half that of males. However, an Oxfam report released in March stated that the proportion of girls enrolled in school fell by 10 percent in the first half of the 1990's.

The federal Government announced a new education policy in March 1998, which dealt mostly with the construction of new schools but that included provisions for increased Islamic instruction in public schools. Education is a provincial responsibility under the Constitution. In 1998 the government of Punjab, the country's most populous province, began an ambitious program to improve the quality of its educational system. A comprehensive survey was performed to identify school buildings that were being misused and 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 NGO's to improve primary and secondary education. However, no legal action has been taken against those found responsible for the misuse of government property.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffer a high rate of preventable childhood diseases. Public health administration suffers from poor management, avoidance of responsibility, false data, and lack of cooperation among agencies. Polio, and effective vaccination to prevent it, remain problems. The World Health Organization (WHO) reported 1,147 cases of polio in the country in 1997. The WHO and the Center for Disease Control reported that the full (three-dose) course of oral polio vaccine has been given to only 57 percent of children in Punjab, 50 percent in the NWFP, 42 percent in Sindh, and 22 percent in Baluchistan. However, even the high number of reported polio cases may be too low, and the reported protection rate may be too high. Public health professors at a Karachi medical school report that vaccines frequently are degraded by poor storage, and that vaccination rates are inflated. On June 27, the English-language newspaper Dawn reported that doctors in Sindh had persuaded the Sindh health department to order a halt to reporting of polio cases. Doctors are required by law to vaccinate all children under 5 years old within a 1.2 mile range (3 miles in rural areas), but they were taking steps to avoid the responsibility. Although the Government has undertaken six national immunization days since 1994, a Center for Disease Control official who observed a June polio immunization campaign in Quetta, the capital of Baluchistan, reported that vaccination teams had no maps, census data, or plans. The International Labor Organization reports 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 are born iodine-deficient, resulting in high rates of mental retardation.

Many children begin working at a very early age (see Section 6.d.). At the age of 5 or 6, many female children assume responsibility for younger siblings.

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

Children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). 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 are 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 and killing of minor teenage children are common. A 1996 survey conducted in Punjab showed that 40 percent of reported rape victims were minors, with the youngest victim in the study only 8 years old. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been sexually abused. Sexual abuse of boys is more common in segments of society where women and girls traditionally remain within the home. A Human Rights Commission of Pakistan study in the NWFP found 723 cases of sexual abuse of boys and 635 of girls between January and June 1998. Child prostitution involving boys and girls is widely known to exist but rarely is discussed. The NGO Shabab-i-Milli has launched a campaign to combat child prostitution by raising public awareness about the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored in Pakistan," 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 are protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. However, the Government frequently fails to enforce these laws. There are two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. There is only one jail in each province for convicted prisoners under 21 years of age, and children frequently are incarcerated along with the general prison population, sharing prison conditions that are extremely poor (see Section 1.c.). Many children in prison were born to female inmates who were sexually abused by prison guards. Although Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders, in practice, children and adults essentially are treated equally. An estimated 4,000 children were held in the nation's prisons, some as young as 8 years old, compared with 3,480 in 1998. In Punjab in 1998 1,508 children under age 18 were found in prison in an NGO survey, 16 of whom were below the age of 12. Imprisoned children often spend long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. One child spent 3 years and 4 months awaiting trial. Children are subject to the same delays and inefficiencies in the justice system as adults are (see Section 1.e.). Peshawar's jail in 1998 contained 183 children, 40 percent of whom were Afghan refugees. These prisoners were separated from the adult prisoners. According to some estimates, there are 900 children in Karachi's central jail, in a space meant to house 300; these children are 18 and under. Human Rights Watch reports that children frequently are beaten and even tortured while in detention; usually this is done to extract confessions, but it is 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 is a problem as well (see Section 1.c.). On April 11, a riot reportedly broke out in the juvenile ward of the Sahiwal Central Prison in Punjab, after a 13-year-old prisoner was beaten for complaining about sexual abuse at the hands of the head warder. Nearly 20 children reportedly were injured as the riot was quelled, and 10 children were charged in connection with the incident. The Deputy Inspector General of Prisons visited the prison soon after the incident and ordered the suspension of the head warder accused, the assistant superintendent of the prison, and another warder.

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. 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 are poor, similar to those found in jails. Abuse and torture of the children in such institutions is 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 are inadequate. Extortion on the part of the staff at such institutions is reportedly endemic; parents of inmates often are required to pay

lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also is a problem; some children reportedly have developed drug habits while in these institutions, and are supplied by their guards.

According to press reports, there are several madrassahs where children are confined illegally and kept in unhealthy conditions, and there were several reports of the abuse of children studying at madrassahs during the year. In one 1998 case, 14 children were found in fetters at a madrassah in Lahore. The principal of the madrassah was arrested, but was released when he claimed that the parents were responsible for the use of fetters. A member of the Council of Islamic Ideology has condemned the fettering of children. Sexual abuse of boys is widely believed to occur at some madrassahs.

People with Disabilities.—There are no laws requiring equal accessibility to public buildings for disabled persons. The vast majority of the physically and mentally disabled are cared for by their families. However, in some cases these individuals are forced into begging, while organized criminal "beggarmasters" skim off much of the proceeds. There have been allegations of exploitation of microcephalic persons at Jhelum, a Punjab town where such individuals are cared for at a local shrine. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified disabled persons. Organizations that do not wish to hire disabled persons can instead give a certain amount of money to the government treasury, which goes into a fund for the disabled. This obligation rarely is enforced. A National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Religious Minorities.—Government authorities afford religious minorities fewer 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.

Sectarian violence between Sunnis and Shi'a continued to be a serious problem throughout the country. In Punjab in particular, a deadly pattern of Sunni-Shi'a violence in which terrorists killed persons because of their membership in rival sectarian organizations, or simply for their religious identification, continued. On January 4, several motorcycle gunmen fired on an early morning prayer service at a Shi'a mosque in Karamdad Qureshi, Punjab, killing 17 persons and wounding at least 25 others. Police arrested 46 members of the Sipah-e-Sahabah Pakistan (SSP), a Sunni militant group, in connection with the attack. It was widely believed that an offshoot of the SSP, the Lashkar-i-Jhangvi, was responsible for the attack. On March 24, motorcycle gunmen shot and killed Barkat Ali, a leader of the Shi'a group Tehrik-e-Nifaz-e-Fiqh-e-Jafria, outside his home in the Tunsa area of Punjab. The gunmen are believed to belong to the SSP. Four individuals abducted and then killed Mirza Ghulam Qadir on April 14. Qadir was the nephew of the supreme head of the Ahmadi community. Ahmadis believe that militants from the Lashkar-i-Jhangvi killed him for religious reasons. Police killed the perpetrators in an encounter following the killing. On the evening of April 25, (the 8th of Moharram), four Shi'a Punjabis visiting a village near Dera Ismail Khan in the NWFP to recite Moharram morning prayers were killed in their sleep. Sunni religious militants were believed to have committed the killings in order to provoke Shi'a-Sunni conflict during the traditionally tense 9th and 10th of Moharram. Local authorities in the NWFP and in Punjab took steps to calm sentiments, and there was no further violence in connection with this incident. On August 19, Mohammed Khalid Rajput, an SSP activist, was shot and killed, apparently when members of the rival Shi'a organization, Tehrik-e-Nifaz-e-Fiqh-Jafria, fired on an SSP rally in Dera Ismail Khan, NWFP. On the following day, a Shi'a mourning procession was fired upon, although there were no casualties. Five persons were charged in connection with the killing; three had been arrested by year's end. On September 6, an explosion in a madrassah in Karachi injured more than 20 persons; those injured had rushed to the scene of a previous explosion, in which there were no injuries. On September 24, the Secretary General of the TJP in Dera Ismail Khan was killed by three SSP leaders, setting off a wave of sectarian violence. All three of the leaders were arrested soon after the killing; the case was pending at year's end. After the killing, attacks began in Punjab and Sindh, perpetrated by both Shi'as and Sunnis, in which more than 30 persons were killed. Among those killed were President of the Gujranwala division of the TJP, Ijaz Hussain Rasool Nagri, on September 30; 9 worshipers in a Shi'a mosque in Karachi on October 1; Assistant Inspector General of Police in the NWFP, Farooq Haider, a Shi'a, on October 2; 5 students in a Sunni madrassah in Karachi, on October 2; Dr. Qaiser Abbas Sayyal, a relative of an advisor to the Prime Minister, along with several others, in a clinic in Lahore in early October. On October 6, Nisa Ali Hazara, a Shi'a member of the Baluch Assembly and the Baluchistan Education Minister, was shot and injured in Quetta by masked

gunmen as his car left the Baluch Assembly; his driver was killed. Also on October 6, two Shi'a homeopathic doctors, Al-e Hassan and Muttasim Hassan, were shot and killed at their home in Karachi by motorcycle gunmen; another doctor, Mohammad Nisar, an influential member of the Sunni Jamaat-i-Islami, was killed in Karachi earlier on the same day. Aun Mohammed Rizvi, a senior Shi'a official from the state-run television station, was shot and killed by motorcycle gunmen in Rawalpindi on October 7. The Punjab government ordered a crackdown on extremists in early October, as a result of which several hundred persons, including the leader of the SSP, Maulana Mohammad Azam Tariq, and SSP branch president Maulana Mohammad Ahmad Ludhianvi, were arrested. Tariq has since been released. On November 4, three explosions occurred in Murdike, where the Sunni militant group Lashkar-e-Taiba was holding its annual conference; 1 person was killed and more than 30 were injured. There were reports of between 16 and 40 encounter killings of members of the SSP and the Lashkar-i-Jhangvi. On December 27, 13 Sunnis were killed and 6 were injured in Sikanderpur village, Haripur district, NWFP. The victims, who reportedly belonged to the SSP, were returning from the funeral of another SSP member and were killed by three Shi'as. Prior to the incident, there had been a dispute in the area over the construction of a Shi'a mosque in a graveyard claimed by local Sunnis. On December 28, despite an increase in security in the area, thousands of SSP members destroyed homes and shops belonging to local Shi'as after attending the funerals of those killed the previous day. At year's end, no suspects had been detained in connection with these events.

In July the Government released Sunni extremist leader Mohammad Azam Tariq, chief of the SSP, who had been arrested in May 1997 and charged with the murder of a former PPP member of Parliament and in 58 other cases of murder, terrorism, and incitement to sectarian violence. The SSP and its militant offshoot, Lashkar-i-Jhangvi, frequently are involved in anti-Shi'a sectarian violence.

Ahmadis are often targets of religious intolerance, much of which is instigated by organized religious extremists. For example, in a July 1998 sermon at a rally in Lahore, the head of the influential Tanzeem Islami organization, Israr Ahmed, stated that the Government and Muslims have a right to commit a "general massacre" of the Ahmadis, since they are heretics. 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 mobs of 100 to 200 persons, the mullahs purportedly stride down the streets uttering diatribes against the Ahmadis and their founder, a situation that often leads to violence. Police generally are present during these marches, the Ahmadis claim, but as a rule do not intervene to prevent trouble. A number of Ahmadis were injured seriously in attacks by religious extremists, and Ahmadi leaders attribute several killings of Ahmadis during the year to anti-Ahmadi extremists. The Majlis Tahafuz Khatam-e-Nabuwwat (Committee for the Finality of the Prophethood) actively promoted an anti-Ahmadi agenda during the year. According to press reports, in August Religious Affairs Minister Raja Zafarul Haq asserted that "un-Islamic" activities would not be tolerated and sent a message of support to the international Khatam-e-Nabuwwat movement. According to press reports, Muslim clerics called on President Tarar on April 23 to ask the President to extend the anti-Ahmadi ordinance to Azad Kashmir. There has been no progress in the 1998 killings of Muhammad Ayub Azam and Maleek Nasir.

Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service (see Section 2.c.). 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 is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis and their parents also complain of difficulty in gaining admittance to good colleges, forcing many children to go abroad for higher education. Certain sections of the Penal Code also have caused problems for the group (see Section 2.c.), 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 the standard Muslim greeting form and naming their children Mohammed.

Other religious minority groups also experience 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. Today, many are unable to rise above mid-level ranks. Discrimination in employment is believed to be common. Christians in particular have difficulty finding jobs other than those of menial labor, although Christian activists say that the employment situation has improved somewhat in the private sector. Christians find themselves disproportionately over-rep-

resented in Pakistan's most oppressed social group—that of bonded laborers. Like Ahmadis, many Christians complain about the difficulty that their children have in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continue to express fear of forced marriages between Muslim males and Christian women, although the practice is 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 (see Section 2.c.). For example, on October 22, a Christian church in Lahore was set on fire and sustained major damage. An individual was charged in connection with the incident the same day. There are restrictions on certain testimony in court by non-Muslims (see Section 1.e.).

In August the leader of the Sunni religious party Jamiat Ulema-i-Islami (JUI), Fazlur Rehman, accused the Aga Khan Foundation of the killing of a Sunni religious leader and his nephew in Chitral and called for the closure of Aga Khan activities. The Sunni leader was killed by an Ismaili in a property dispute on August 19. The Aga Khan Foundation is a community service organization sponsored by Ismaili Shi'as. On November 4, a series of explosions killed one person and injured 30 others in Murdike. The militant Sunni extremist organization Lashkar-e-Taiba was holding its annual conference in the town at the time. In November 1998, nine members of a Christian family were killed and mutilated in their home in Nowshera, in an attack that some Christians alleged was sectarian. In December 1998, four family members were arrested and charged with the crime. They asserted their innocence to the press. Two alleged that they had been tortured to induce confessions; one of the family members who confessed was being tried at year's end.

Although there are few if any citizens who are Jewish, anti-Semitic sentiments appear to be widespread, and anti-Semitic press articles are relatively common.

Section 6. Worker Rights

a. *The Right of Association.*—The Industrial Relations Ordinance of 1969 (IRO) provides for the right of industrial workers to form trade unions but is subject to major restrictions in some employment areas. The Essential Services Maintenance Act of 1952 (ESA) covers sectors associated with the state administration, i.e., government services and state enterprises, such as oil and gas production, electricity generation and transmission, the state-owned airline, and ports. Workers in these sectors are allowed to form unions. However, the ESA 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. There is no provision allowing agricultural workers or teachers to unionize, as they are not defined as "an industry." Following assumption of responsibility of the utility by the military, a presidential ordinance in December 1998 banned all union activity in the water and power development authority (employing 130,000 workers) for 2 years. The International Confederation of Free Trade Unions (ICFTU) reports that in July the government of Punjab announced that it had decided to curb the activities of unions and associations, including the All Pakistan Clerks' Association, because they were perceived as obstructing public policy.

Other restrictions on union activities include the Antiterrorism Ordinance of 1999 (ATO), promulgated in the early part of the year. The ATO codified the crime of a "terrorist act," including, "an act of civil commotion." Such acts are punishable by imprisonment of 7 years to life, as well as fines. "Civil commotion" include illegal strikes, go-slows, and lockouts. Under the original ordinance, those distributing, publishing, or pasting a handbill, or making graffiti or wall chalking "intended to create unrest" were subject to arrest. According to the ILO, this ordinance prevented leafleting, posters, or even word-of-mouth notices of public meetings. Later in the year, the ATO was renewed with an amendment eliminating references to handbills, graffiti, or the intent to create civil commotion (see Section 1.e. and 2.b.).

According to government estimates, union members make up only about 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claim that the number of union members is underestimated. Contract labor continues to flourish, undercutting the power of the unions and exploiting workers willing to work on temporary contracts. These workers receive fewer benefits and have no job security.

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.

Strikes are rare. When they occur, they usually are illegal and short. The Government regards as illegal any strike conducted by workers who are not members of a legally registered union. 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. The courts may imprison employers for violating this prohibition, but they are more likely to fine them. The law does not protect leaders of illegal strikes.

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 associated with opposition parties are allowed to carry on their activities freely.

In 1997 the Cabinet passed an amendment to the IRO which states that: 1) only employees of the represented industry can hold office in a trade union; and 2) if trade unions form a federation, the federation cannot bargain with individual employers; each component 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. Late in 1997, the Prime Minister announced the Government's new investment policy, under which, in order to improve working relations among employees and employers, trade union activity would be industry-based and not factory-based. The new policy also decrees that, in order to check the growth of trade unions, unions receiving less than 20 percent of the votes in a referendum are to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements of the investment policy.

The International Labor Organization (ILO) has stated repeatedly that current law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity with respect to teachers, and radio, television, railway, forestry, hospital, 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 remedies have been applied.

In 1994 a government task force on labor prepared a report recommending improvements on worker rights problems, which were the basis for the development of a new labor policy by the Government. The Government has not yet approved the new labor policy; however, the Government has implemented two components of the proposed labor policy: 1) improvements in the workers' welfare fund; and 2) increases in social security benefits for workers. In 1997 the Prime Minister and trade union representatives agreed to establish a committee to examine the labor laws and draft legislation to bring them into conformity with ILO conventions and the national Constitution. No concrete action has yet been taken by this committee.

Federations are free to affiliate with international federations and confederations. For example, trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked generalized system of preferences (GSP) trade benefits in 1996 for failure to make progress on worker rights issues.

b. *The Right to Organize and Bargain Collectively.*—The right of industrial workers to organize and to freely elect representatives to act as collective bargaining agents is established in law. 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, because they view the legal system as slow, prohibitively expensive, and corrupt.

In general, legally constituted 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, e.g., agricultural workers, who are not provided with the right to strike, to bargain collectively, or to make demands on employers. The National Bank of Pakistan Employees Union filed suit against the Government for implementing a banking companies ordinance that prohibited union activities in banks during working hours and allowed only current bank employees to serve as bank trade union officials. Labor unions report that the practice of giving artificial promotions to make workers ineligible for union membership is prevalent in the financial sector.

The ESA also restricts collective bargaining. For each industry subject to the ESA (see Section 6.a.), 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.

These boards are established at the provincial level and comprise representatives from industry, labor, and the provincial labor ministry, which provides the chairman. The chairman may name additional industry and labor representatives to the board. Despite the presence of the labor representatives, unions generally are dissatisfied with the boards' findings. Disputes are adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed under the ESA. Dismissed workers have no recourse to the labor courts.

The ESA exempts export promotion zones (EPZ's) from the IRO's provision granting workers the right to form trade unions. Only one EPZ currently exists, in Karachi. Nearly 6,000 persons are employed there, according to government sources. In 1996 the cabinet decided to withdraw these exemptions beginning in January 2000. However, the Government has stated that it will honor agreements with investors regarding the exemptions, making it unlikely that the Export processing zone Authority provision will be lifted before 2001.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution and the law prohibit forced labor, including forced labor by children; however, the Government does not enforce these prohibitions effectively. Critics argue that the ESA's limitation on some worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO has objected to this violation of Convention 29. The Government has 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, e.g., electricity generation and distribution, and air and sea ports.

There is a reasonable basis to believe that hand made bricks and hand woven wool carpets are produced using forced or indentured child labor. Illegal bonded labor is widespread. It is common in the brick, glass, and fishing industries and is found among agricultural and construction workers in rural areas. A recent study by local unions suggests that over 200,000 families work in debt slavery in the brick kiln industry. There is no evidence that bonded labor is used in the production of export items such as sporting goods and surgical equipment. However, bonded labor reportedly is used in the production of carpets for export under the peshgi system, by which a worker is advanced money and raw materials for a carpet he promises to complete. Conservative estimates put the number of bonded workers at several million.

The Constitution and the law prohibit slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history, despite constitutional and legal prohibitions. Landlords have kept entire families in private prisons and families have been sold by one landlord to another. According to press reports, raids by Government officials and human rights activists over a 2-year period from January 1995 to January 1997 resulted in the liberation of 349 bonded laborers. The Government of Punjab has now reportedly enhanced its activities, particularly in regard to bonded and child labor.

The Bonded Labor System (Abolition) Act adopted in 1992 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 $1000 (PRs 50,000) in fines. However, the provincial governments, which are responsible for enforcing the law, have failed to establish enforcement mechanisms. Hence, the law is largely ineffective. Lacking employment alternatives, many workers have returned to bonded labor.

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, reportedly are involved in woodcrafts and television repairs (see Section 6.d.).

Trafficking in children is a problem (see Section 6.f.) Children sometimes are kidnaped to be used as forced labor. According to 1996 ILO estimates, 3.3 million children between the ages of 5 and 14 years (about 8 percent of this population group) are "economically active." Of these, about two-thirds work in agriculture. Seventy percent of the working children have the status of "unpaid family helpers." Many observers believe that the ILO estimates understate the true dimensions of the problem. Observers also believe that the incidence of bonded labor among such children is significant, but there are no reliable figures available on this.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Child labor is common and results from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Constitution prohibits the employment of children aged 14 years and under in factories, mines, and other hazardous occupations. The Employment of Children Act of 1991, whose provisions were extended by the President in 1998 to the FATA, prohibits the employ-

ment 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 $400 (PRs 20,000) or 1 year in prison. The Government acknowledges that child labor is a problem. The Constitution prohibits forced labor, including forced labor performed by children; however, forced and bonded labor by children is common (see Section 6.c.).

Children in juvenile detention facilities reportedly are required to work; children at the Karachi Central Jail, who either are imprisoned for crimes they have committed, were detained with their parents, or were born in jail, are reportedly involved in woodcrafts and television repairs (see Section 6.c.).

In 1996 the Government announced the results of its first comprehensive child labor survey conducted with the assistance of the ILO's International Program for the Elimination of Child Labor (ILO–IPEC). According to the survey, 8.3 percent (or between 3.3 and 3.6 million) of children between the ages of 5 and 14 worked. The child labor force was predominately male (73 percent) and predominately rural (71 percent). About 60 percent of child labor in the country occurred in Punjab. Some 45.8 percent of child laborers worked 35 hours or more per week and 12.6 percent worked 56 hours or more. The majority (67 percent) of child laborers worked in agriculture, forestry, hunting, and fishing industries; 11 percent in the manufacturing sector, 9 percent in wholesale and retail, and 8 percent in social and personal services. In occupational terms, craft and related trade work accounted for about 19 percent of child laborers, while 71 percent worked in unskilled jobs. Only the Government and exporters regard the ILO survey as an accurate measurement of the incidence of child labor. Many observers believe that it understates the true dimensions of the problem, with high-range estimates of as many as 20 million child laborers. A recent ILO survey indicated that agriculture is the largest child labor industry; followed by the informal sector, including domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries rank third. The report also noted that when programs are developed to eliminate child labor in one industry, parents often shift their children to work in other industries. A survey conducted by the Human Rights Commission of Pakistan published in June noted that there are approximately 4,000 children working in auto workshops in the Mardan district of the NWFP. The report stated that most of the children were between the ages of 3 and 8.

Child labor is widely employed in the carpet industry, much of which is family-run. Most children working in the carpet industry are female. Carpet manufacturers are working with ILO–IPEC to establish a program to eliminate child labor from the industry through monitoring and rehabilitation. Although surgical instrument manufacturers have taken steps to remove child laborers from their factories, child labor in this industry 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, approximately 15 percent of the work force in the surgical instrument industry in Sialkot is made up of children; it is estimated that 7,500 such children are under age 14. According to a June report issued by Public Services International, the average age of children in the surgical instrument industry is 12; children in the industry are prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. Child labor is not regarded as a particular problem in the textile and apparel industries, but no specific studies of the sector have been performed on this issue.

In October 1997, soccer ball manufacturers, importers, the ILO, and UNICEF implemented an 18-month action plan agreed upon in February 1997 (the Atlanta Agreement) to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitored the production of soccer balls at newly established stitching centers, and had set up 154 rehabilitation centers for the education of former child laborers and their younger siblings. The project also sought to identify unemployed adults from the families of former child stitchers to take up stitching work and replace lost income. By May 1998, 83 percent of production was verified as having moved to monitored stitching centers. Women have been reluctant to move from their homes to stitching centers. The project is working to establish small home-based stitching centers in individual villages to counter this unwillingness to travel to work, and some 80 village-based stitching centers had been set up for women as of October 1998; by March there were 138 such centers for women. Saga Sports, which also manufactures soccer balls, has built modern community-based facilities in 10 villages with a high percentage of family stitching operations. The facilities contain workspace for stitchers as well as dining areas, child care centers, recreation areas, and medical clinics. Each facility also has its own water system, waste disposal system, generator for electricity, and transportation system.

Meals, child care, medical services, and use of the facilities are provided free of charge to Saga workers and their families; use of non-production areas is allowed to all community members. These centers reportedly have created approximately 6,000 jobs, 400 to 500 of which are held by women. By the end of the year, approximately 6,000 children had been removed from the industry.

Under a memorandum of understanding with the Government, the ILO/IPEC program in Pakistan is involved with a number of other projects concerning child labor. The ILO works with the Government, employers, workers, and NGO's in pursuing a national 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-u-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. In December 1998, the ILO and the Swiss Agency for Development and Cooperation launched a large scale project to combat child labor and child abuse in the NWFP.

In response to international criticism, the Government has begun to push provincial authorities to enforce child labor laws. However, enforcement of child labor laws remains a problem. There are relatively few child labor inspectors in most districts, and the inspectors often receive little training and have insufficient resources. By law the inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in facilities smaller than this. Hundreds of convictions are obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of $7 (PRs 364) in the NWFP to an average of $140 (PRs 7,280) in Baluchistan—do not serve as a significant deterrent. The 1991 Employment of Children Act allows for fines of up to $350 (PRs 18,200). Often, penalties are not imposed on those found to be violating child labor laws.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from Pakistan's Ministry of Commerce. Other NGO's, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and from 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 $6 per month (PRs 300), plus a small daily stipend of approximately $0.10 (PRs 5) in exchange for sending their children to school. The children in the centers receive free schooling, uniforms, books, and meals. However, it appears that many children do not remain in these schools for more than 1 year; the schools are often in areas far from their clients; and it has been reported that some children are sent to these schools rather than to public schools, in order to qualify for the stipend. The Bunyad Literacy Community Council also runs schools for children. It focuses on children who work in the soccer ball industry, and its programs are aimed at transitioning children out of working and into mainstream schooling. Other local NGO's are involved in the elimination of child labor, as well, including Rugmark Pakistan, Sudhuur, and the Society for the Protection of the Rights of the Child.

e. *Acceptable Conditions at Work.*—Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is $38 (PRs 1,976) 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 minimum wage is usually inadequate to provide a decent standard of living for a worker and family, since families tend to be large.

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 do not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Many workers are unaware of the regulations that protect their rights because of their lack of education.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leaves, health and safety standards in the workplace, health care, workers children's education, social security, employees old age benefits and a workers welfare fund. Employees earning more than $60 (PRs 3,120) per month are not considered workers for the sake 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 weakly enforces existing legal protection. Workers cannot remove themselves from dangerous working conditions without risking loss of employment. There is a serious lack of adherence to mine safety and health protocols. For example, mines often have only one opening for entry, egress and ventilation.

f. *Trafficking in Persons.*—Trafficking in persons, especially in women, is a significant problem, and the law prohibits the trafficking of women under age 21 into the country for sexual purposes, as well as kidnapping and slavery. However, despite widespread general knowledge about trafficking, the Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking.

Pakistan is a receiving country for thousands of trafficked women every year, mainly from Bangladesh. 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. A Karachi-based NGO estimates that 100 to 150 women are trafficked into the country each day from Bangladesh and are sold for both domestic labor throughout the country and for forced prostitution in Karachi. Press reports also indicate that the practice of buying and selling brides still occurs in parts of the NWFP and Punjab. Trafficking victims usually are deceived with false prospects of marriage or offers of work in legitimate jobs in Pakistan. Most are smuggled from Bangladesh through India to Pakistan. Smaller numbers of Burmese, Sri Lankan, Indian, and Afghan women also are trafficked. Such women generally do not have legal residency, and, if arrested in police raids, end up in jail for violation of immigration laws or violations of the Hudood ordinance. Without money to pay for bail, they often are bailed out by their pimps, who force them to return to prostitution. Small numbers of escaped trafficking victims end up in shelters, but most do not, as there are few such shelters available. Many women who are not bailed out never are repatriated; rather, they languish in confinement while waiting to go home.

Women who are high school graduates reportedly cost approximately $5,000 (PRs 260,000); less educated women who are not physically attractive reportedly cost approximately one-third as much. Some women sold in shops in Karachi reportedly are sent to Persian Gulf states, where they are slaves; women sent to rural Pakistan reportedly are de facto slaves. Buyers in such shops reportedly purchase women for purposes of labor or sex; some are married to their buyers.

There are reports that Afghan and Bangladeshi girls are trafficked into the country for sexual purposes.

Young boys are trafficked from Pakistan to the Persian Gulf to work as camel jockeys; sometimes they are abducted by traffickers in the country and sent abroad without the knowledge of their parents. The conditions such children live under often are poor, and many children reportedly are injured or maimed while racing camels. In July the case of an 8½year-old Pakistani boy was reported in the United Arab Emirates. He had been kidnaped in the city of Larkan in 1997 and smuggled through Iran to al-Ein in the Abu Dhabi emirate, where he was forced to work as a camel jockey. He was rescued by the police, who acted on a tip, and returned him to his parents. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (see Sections 6.c. and 6.d.). 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 are abused by these landlords and held as bonded laborers for life.

SRI LANKA

Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. In 1994 Chandrika Kumaratunga, the head of the governing People's Alliance (PA) coalition, was elected President in free and fair elections. In November President Kumaratunga scheduled presidential elections for December 21 even though her 6-year term was not set to expire until November 2000. The preelection period was marked by violence. On December 18, a member of the Liberation Tigers of Tamil Eelam (LTTE) unsuccessfully attempted to assassinate the President. Kumaratunga was reelected on December 21 in elections that were characterized as generally free and fair; however, there were credible accounts of voting irregularities and at least six persons were killed in election-related violence. The Parliament was elected in free and fair elections in 1994; new parliamentary elections are scheduled for 2000. The Government respects constitutional provisions for an independent judiciary.

For the past 16 years the Government has fought LTTE, an insurgent organization fighting for a separate state in the north and east for the country's Tamil minority. The conflict has claimed approximately 60,000 lives. In a failed attempt to open a land-based supply route to Jaffna in 1997 and 1998, 5,000 combatants on

both sides were killed and tens of thousands of persons were displaced from their homes. During the year, government forces gained territory in the north and west of the island through a series of offensives. In November the LTTE counterattacked and successfully pushed back the government forces to new defensive lines, recapturing most of the territory that the Government had seized over the past 2 years. It is estimated that more than a thousand combatants were killed on both sides.

The Government, through the Ministry of Defense, controls all security forces. The 60,000-member police force is responsible for internal security in most areas of the country and also has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The Police Paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and directs various Tamil militias opposed to the LTTE, although at times these groups act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy based on the export of textiles, tea, rubber, coconuts, and gems, and on earnings from tourism and repatriated earnings of citizens employed abroad. The gross domestic product per capita is approximately $850. The economy's growth rate was 4.7 percent in 1998 and growth for 1999 was expected to be less than 4.0 percent due to declining strength in the garment industry and a contraction in the market for export of tea. In 1997 the Government intensified efforts to promote economic reform and liberalization, including privatizing some government enterprises and promoting foreign investment and trade. These steps continued during the year.

The Government generally respected the human rights of its citizens in areas not affected by the insurgency; however, the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by the security forces. Security forces committed numerous extrajudicial killings, and almost certainly killed prisoners captured on the battlefield. In addition up to 15 individuals disappeared from security force custody in Vavuniya and in the east. In the past, persons also have disappeared or have been killed after last being seen near the army's forward defense lines in the north, areas civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear, and with the many military offensives and forward defense line changes throughout the year, the risk to civilians remained high. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests—including short-term mass arrests and detentions—continued, often accompanied by failure of the security forces to comply with the protective provisions of the Emergency Regulations (ER). Impunity for those responsible for human rights abuses also remained a serious problem. Little progress was made in resolving cases of extrajudicial killing or disappearance. In most cases, there was no investigation or prosecution at all, giving the appearance of impunity for those responsible for human rights violations. No arrests were made in connection with the disappearance and presumed killing of at least 350 civilians whom the security forces suspected were members or sympathizers of the LTTE in Jaffna in 1996 and 1997. The Government infringed on citizens' privacy rights and restricted freedom of the press. The Government continued to engage in censorship of domestic newspaper reporting and foreign television broadcasts on military and security operations during the year. On occasion security forces harassed journalists. On one occasion government forces assaulted journalists and forcibly dispersed a march by the leading opposition party. There were some restrictions on freedom of movement, especially from Vavuniya to the south and Colombo. Violence and discrimination against women, child prostitution, child labor, and discrimination against the disabled continued to be problems. There is some discrimination and occasional violence against religious minorities and widespread ethnic discrimination against Tamils. Trafficking in women and children for the purpose of forced prostitution occurs.

In positive developments, the Government took steps to control abuses. The national Human Rights Commission (HRC) continued its operations in 11 offices around the nation; however, human rights observers believed the HRC was not pursuing its mandate aggressively due to poor leadership. In 1998 the Government also established a cabinet-level committee initially known as the Anti-Harassment Committee and later renamed the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The CIUAH has a mandate to investigate complaints associated with alleged harassment and arrests and other security force actions. Human rights

groups state that the committee is somewhat effective; however, critics believe that the committee's services have not been advertised widely and question its continued viability. In July 1998, one of the six soldiers convicted in the Krishanthi Kumaraswamy murder and rape case claimed that he knew where the bodies of up to 400 Tamils killed by security forces in 1996 had been buried. In part as a result of international pressure and prodding by the HRC, the Government agreed to open an investigation. During the year, two exhumation investigations recovered 15 bodies. At year's end, the Government was continuing its investigation and had not yet sought criminal indictments against any security force personnel in relation to the killings.

There was no attempt, as in the past, to use the ER to cover up security force misdeeds. Through its rulings, the judiciary continued to exhibit its independence and uphold individual civil rights. Security forces continued to take effective measures to limit civilian casualties during military operations; however, the air force bombed a civilian village near the north of Puthukudiyiruppu (PTK) on September 15, killing 22 persons, and in November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops. The Government captured and took prisoner more than 90 LTTE cadres throughout the year. The Government also continued to provide relief to those displaced by the conflict even though many were still in areas under LTTE control such as the Vanni area. However, government restrictions on medical supplies and a significant reduction in food rations contributed to poor health conditions for civilians in the Vanni area. In 1997 three regional commissions published a report that documented that more than 16,000 persons had disappeared over the period from 1988 to 1994 after having been removed forcibly by security forces (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP). Following publication of this report, the Government began submitting cases of alleged human rights abuses to the Attorney General's office for review and possible prosecution of those involved. The Attorney General referred over 290 indictments to the courts, action reportedly had been filed against 489 security force personnel, and 25 cases were moving through the court system by year's end. A fourth commission was established in May 1998 to investigate the 10,000 cases of disappearance that the first 3 commissions could not investigate before their mandates expired. The report was scheduled for release on October 29; however, by the end of year, the commission had not completed its investigation or released its final report.

There are several former Tamil insurgent organizations that now are aligned with the Government. These progovernment Tamil militants, who are armed and at times directed by the security forces, sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion, and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. Both PLOTE and the Tamil Eelam Liberation Organization (TELO) effectively were disarmed by the Government in Vavuniya after a May 15 shootout between the groups in Colombo.

The LTTE continued to attack civilians. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefields, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. After a period of relative calm at the beginning of the year, the LTTE began a long series of attacks, killing close to 100 civilians, including moderate Tamil politician Dr. Neelan Tiruchelvam. In the north, at least 14 persons found guilty of offenses by the LTTE's self-described courts were killed by public execution and their bodies tied to lamp posts or otherwise left for public display. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of the local government bodies in Jaffna whose members were elected in free and fair elections in January 1998. In addition the LTTE warned Tamil politicians in the east to discontinue their political activities during part of the year; however, they later lifted their ban on such activity.

The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied those under its authority the right to change their government, infringed on their privacy rights, forcibly recruited children, routinely violated their civil liberties, operated an unfair court system, restricted freedom of movement, and severely discriminated against ethnic and religious minorities.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing.*—Police, home guards, and army personnel committed extrajudicial killings in many places, including the eastern province, and army personnel also were responsible for killing a number of persons in the Vavuniya area and in Jaffna in the north. In July Ida Carmelita, a young Tamil girl, allegedly was kidnaped, gang raped, and killed in the Mannar area by five soldiers. At year's end, the case still was being investigated. In September an air force bombing of Puthukkudiyiruppu in the north killed over 20 civilians and wounded 40 others (see Section 1.g.). Security forces killed at least two other persons in Vavuniya. At least three killings occurred in the Batticaloa area, associated with operations against the LTTE insurgents. In November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops (see Section 1.g.). About 3,000 internally displaced persons (IDP's) sought shelter at the church a few days earlier as the fighting between the LTTE and government forces escalated. The circumstances of the shelling remain unclear; however both the government security forces and the LTTE knew that civilians were inside the church. At least one person died in police custody in Kandy after being arrested for suspected terrorist activity (see Section 1.c.). The exact number of extrajudicial killings was impossible to ascertain due to frequent censorship of news relating to military or police operations and to lack of regular access to the north and east where the war between the Government and the LTTE insurgents is being waged.

In some cases 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 believe otherwise. In Thampalakamam in February 1998, police and home guards allegedly massacred eight Tamil civilians, including three children, possibly in reprisal for the LTTE bombing of the Temple of the Tooth 1 week earlier. Some 31 police officers and 10 home guards were arrested in connection with the case. Twenty-one of these individuals were charged, 4 with murder and 17 with unlawful assembly. The other 20 were released after the Attorney General determined that there was insufficient evidence against them. The cases were scheduled to be heard during the year; however, they had not begun by year's end. The perpetrators of most extrajudicial killings were not arrested by year's end.

Impunity remains a serious problem. Since April 1995 at least 761 persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody and are presumed dead. With the exception of the six security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy, no member of the security forces has been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. In August 1998, the Government reimposed a state of emergency nationwide. There was no evidence that the Government was using the ER, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the HRC often were ignored by the security forces—especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished during the year.

The 1997 death of Reverend Arulpalan was not investigated during the year.

In December 1997, three Tamil prisoners were hacked to death in prison by Sinhalese prisoners at Kalutara prison. Prison staff and army personnel at the prison allegedly failed to take measures to protect the detainees even as the attack occurred. At year's end nobody had been charged.

In 1998 6 persons were found guilty and sentenced to death and 2 persons were acquitted in the case of the 16 police and army personnel who were arrested for the rape and murder of Krishanthi Kumaraaswamy, the murder of 2 of her family members, and the rape and murder of another individual.

At his sentencing in the Kumaraswamy case, one of those convicted, former Lance Corporal Somaratne Rajapakse, claimed that he had knowledge of mass graves at Chemmani in Jaffna where the bodies of up to 400 persons killed by security forces in 1996 had been buried. On July 22, 1998, the Ministry of Defense (MOD) issued a statement indicating that the police criminal investigation department had been directed to examine the allegation. In August 1998, the MOD stated that a forensic expert, a government analyst, and police detectives would visit the site. The HRC

also was involved in investigating the claim and asked for United Nations forensic assistance. The Government was slow to move on the case; however, due to international pressure the process again was put in motion early in the year. On January 7, the Attorney General filed a request in the Jaffna magistrate's court to order exhumations of the Chemmani site. In March a team of Government investigators visited the site and collected preliminary soil samples. On June 16, Rajapakse identified one site; excavations witnessed by international observers yielded the skeletal remains of two persons. The two victims were provisionally identified as two young men who had disappeared in 1996 (see Section 1.b.). In August and September, 5 persons convicted in the Kumaraswamy case identified a total of 16 sites where they said they had buried between 120 and 140 bodies on the orders of their superiors. Exhumations, again observed by international experts, resumed on August 30. During this phase of exhumations, an additional 13 bodies were uncovered. On December 6, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including one skeleton that was bound and blindfolded, showed signs of physical assault and murder. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault and murder could not be ruled out. By year's end, 13 of the bodies had not been identified.

Rajapakse and others convicted in the Kumaranswamy case also disclosed the names of the 20 security force personnel, including 2 former policemen, who allegedly were responsible for the killings in the Chemmani case. On September 21, the Attorney General announced that the Government would attempt to confirm the identity of those who reportedly were involved in the killings; however, by year's end the investigation was ongoing and no arrests were ordered.

The case against 8 soldiers and 1 reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder and the case was scheduled for trial during the year; however, no action was taken by year's end. The other two accused security force agents were released due to lack of evidence.

At year's end, the Attorney General had not made a recommendation concerning prosecution in the case of the six police officers who were accused of killing a Tamil textile merchant whose charred body was found in 1996.

The case of the 22 STF members who were arrested on suspicion of murdering 23 Tamil youths in 1995 was scheduled to be heard in March; however, the prosecution did not appear. At a resumption of the proceedings in December the judge asked the case to be assigned to another court, and a new hearing is scheduled for February 2000.

The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions in several extrajudicial murders 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. The trial is scheduled to begin in May 2000.

There were no developments in the government investigations into the mass graves at Sooriyakanda, which contain an estimated 300 bodies, or the grave at Ankumbura, which is thought to contain the bodies of 36 people killed by the police in 1989. There were also no developments in the Nikaweratiya army camp incident in which soldiers allegedly killed 20 youths in 1989 during the period of the JVP uprising.

In 1996 a presidential commission was established to investigate alleged torture and murder during the 1988-89 JVP uprising at a government-run detention center at the Batalanda housing estate near Colombo. In August 1998, five senior police officials were placed on compulsory leave for their involvement in the case, but they reportedly had been returned to duty in December of that year. In a final judgment, the trial court found the accused not guilty and closed the case.

Former insurgent Tamil militant groups now aligned with the Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north. The military wing of PLOTE and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE insurgents, and, in some cases, to fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups is generally inadequate. These groups frequently operated beyond government control. Complaints about their activities continued, especially in transit

camps for IDP's in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Those killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. In May the Government forbade these groups from carrying arms in public and from stockpiling weapons, but this prohibition has generally not been effective. The September killing of the PLOTE military wing leader led to a reduced number of complaints against the group.

During provincial council elections in January, members of the country's two main political parties committed over 800 acts of violence. At least two persons were killed as a result of this violence (see Section 3).

On September 7, unknown assailants shot and killed controversial journalist Rohana Kumara, editor of the Sinhala-language newspaper Satana (see Section 2.a.). Allegations of government involvement were not substantiated.

On November 2, unknown assailants shot and killed Ramesh Nadarajah, a Tamil Member of Parliament for the Eelam People's Democratic Party (EPDP) and the editor of a weekly Tamil-language newspaper. No individual or group claimed responsibility for this attack by year's end; however, some persons speculated that the perpetrators targeted Nadarajah either because of his affiliation with the Government or in an attempt to suppress freedom of expression (see Section 2.a.).

On November 14, a grenade exploded close to a political rally held by the opposition United National Party (UNP) prior to the December presidential elections (see Section 3). One person was killed in the attack and about 35 others were injured. No one claimed responsibility for the incident.

The LTTE continued to commit extrajudicial killings, including both targeted attacks and bombings (see Sections 1.c. and 1.g.). On March 9, a bomb planted by an LTTE insurgent exploded on a bus in Colombo, killing 1 person and wounding more than a dozen others.

In April an LTTE bomb exploded on a bus in Kandy, killing 2 persons and wounding 15 others. On July 14, a bomb planted by LTTE insurgents in Batticaloa killed 2 civilians and wounded as many as 29 others. On July 26, LTTE insurgents opened fire on the Ranga hotel in Vavuniya, killing two security force members and three civilians.

On July 29, a suicide bomber killed moderate Tamil parliamentarian Dr. Neelan Tiruchelvam in Colombo. Tiruchelvam also was the founder of the International Center for Ethnic Studies and the Law and Society Trust, a human rights research and advocacy organization. Tiruchelvam reportedly had angered the LTTE by supporting an alternative to a separate Tamil state.

On August 11, the LTTE detonated Claymore mines in Batticaloa, killing 9 police agents and injuring 30. On September 2, the LTTE allegedly killed the vice president of PLOTE and two other persons in a Claymore mine bombing.

On September 18, members of the LTTE killed more than 50 civilians, including women and children, with machetes close to Amparai. This attack allegedly was in retaliation for the airforce bombing of PTK on September 15 (see Section 1.g.).

On September 27, an explosion attributed to the LTTE killed 1 person and wounded 31 on a bus in Badulla.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga at a rally 3 days before the presidential elections. The bomb injured slightly the President, Justice Minister Peiris, and many other persons, and killed the perpetrator and 13 other persons, including a deputy inspector general of police for Colombo (see Sections 1.g. and 3).

On December 18, an insurgent affiliated with the LTTE allegedly also bombed a rally of the UNP, killing 11 and injuring 43 (see Section 3).

The LTTE also targeted progovernment Tamil groups. For example, on May 29, an LTTE suicide bomber targeted Ganesh Kumar, leader of the Razeek group; Kumar was killed and nine civilians were injured (see Section 1.g.).

The LTTE also committed a number of "lamp post" killings.

At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed by the LTTE in public executions and their bodies tied to lamp posts or otherwise left for public display. The LTTE has attacked government installations, killing and wounding civilians, and the LTTE sometimes also kills its own injured troops to avoid their capture (see Section 1.g.).

In July 1997, the Attorney General determined that there was insufficient evidence to charge anyone in the October 1994 suicide bombing that killed the UNP presidential candidate Gamini Dissanayake and 58 other persons, although the LTTE generally is believed to be responsible. No further investigations were continuing.

On March 26, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were about 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

b. *Disappearance.*—Disappearances at the hands of the security forces continued in the north and east. During the year, there were no reports of disappearances in Colombo, Trincomalee, or Jaffna. At least 15 disappearances involved cases where individuals were last known to be in security force custody in Vavuniya and Batticaloa. In October three Tamils were taken by the home guards and later were found decapitated. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east.

Those who disappeared in 1999 and in previous years are presumed dead. The commander of the army and the Inspector General of police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless, there have been very few security force personnel prosecutions to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988–94, most of which occurred during the 1988–89 period of the JVP uprising. The commission found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements—in particular the leftist JVP—were determined to be responsible for the disappearances. The Attorney General's office has opened over 900 files and referred over 290 indictments to the appropriate courts involving 489 members of the security forces on abduction and murder charges. The courts had initiated proceedings in at least 25 of those cases by year's end. In December a police officer was sentenced to 5 years' imprisonment for an abduction carried out in Hanbantota in the late 1980's.

In May 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial 3 commissions had been unable to investigate before their mandates expired. The commission is not to investigate cases of disappearance, which occurred after 1994, but is to focus only on cases that were not completed by the first three commissions. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga Government took office in 1994. The commission is charged with facilitating payment of monetary compensation to the families of persons who disappeared, as well as forwarding cases to the Attorney General for possible prosecution. The commission submitted an interim report to President Kumaratunga in December. By year's end, the commission had not published its final report.

The trial of 9 suspects, including an army brigadier general, in the disappearance of 32 youths from the southern town of Embilipitiya in 1989 and 1990 concluded. Seven of the nine accused (excluding the brigadier) were found guilty and sentenced in February to 10 years' imprisonment. There were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. Proceedings began early in the year against an army major and former subinspector of police in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989. The army major died after being charged in magistrate court, and the case against the former police officer is scheduled to continue in March 2000.

Progovernment Tamil militias also were responsible for disappearances. These militias detain persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believe that the PLOTE was a major offender in the case of disappearances. However, the HRC has no mandate or authority to enforce respect for human rights among these militia groups. When the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. He eventually departed the country. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear steps to stop these militants' actions, although tighter restrictions on these groups' rights to bear arms were implemented following a May 15 shootout between PLOTE and TELO supporters near a popular shopping center in downtown Colombo.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east of the island during the year. Although the LTTE has denied taking any prisoners from several of its battles, it is known to be holding 12 civilian crew members of vessels it has hijacked since 1995, along with 15 secu-

rity force personnel. The LTTE has not notified the International Committee of the Red Cross (ICRC) of any new security forces prisoners since 1994.

c. *Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*—Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons. At least one person died in police custody during the year as a result of beatings received after he was arrested for suspected terrorist activity (see Section 1.a.).

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 June Amnesty International (AI) report, the CATA does not implement several provisions in the UN Convention; this resulted in torture being prohibited under specific circumstances and allowed under others. The Government has not yet developed effective regulations under the new legislation to prosecute and punish military and police personnel responsible for torture; however, it has ceased paying fines incurred by security force personnel guilty of the offense. Security force personnel have been fined under civil law for engaging in torture; however, they have not yet been prosecuted under criminal law. Members of the security forces continued to torture and mistreat detainees and other prisoners, both male and female, particularly during interrogation. Several children reportedly have been subjected to torture in detention during the past several years. Most torture victims were Tamils suspected of being LTTE insurgents or collaborators; however, there also have been sporadic reports of the use of torture against suspected criminals.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, and near drownings. In other cases, victims are forced to 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 no reports of rape in detention.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Court. The Court has granted awards ranging from $200 (14,200 rupees) to $2,500 (182,500 rupees). However, most cases take 2 years or more to move through the courts. Despite the existence of this law, torture continues to be committed with relative impunity, and no one has ever been convicted under the CATA for torture. During the year, charges were filed under CATA against fewer than a dozen police officers.

Progovernment Tamil militants in the east and north, directly responsible to the security forces, also engaged in torture. The PLOTE in Vavuniya has drawn the most criticism for routinely torturing its opponents. Security forces have done little to stop this practice.

On July 15, presidential security and police personnel injured 30 members of the UNP opposition party with batons and tear gas at a protest against the Government's failure to fulfill campaign pledges (see Section 2.b.). Security forces also allegedly assaulted 12 journalists and photographers and confiscated their cameras at this protest (see Section 2.a.).

During provincial council elections in January, members of the 2 main political parties participated in over 800 violent incidents, ranging from defacement of campaign posters to assault. This violence resulted in scores of injuries and 2 deaths (see Sections 1.a. and 3).

On November 14, an explosion at a UNP political rally killed 1 person and injured about 35 others. No one claimed responsibility for the attack (see Sections 1.a. and 3).

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE said that they occasionally had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned by hot rods.

The LTTE was responsible for a number of bomb attacks during the year, which killed and injured dozens of civilians (see Sections 1.a and 1.g.). In September the LTTE attacked a Chinese merchant ship, which had strayed to within about 7 miles of the coast. None of the crew was hurt in the attack, and the ship was rescued and escorted to Trincomalee Harbor by the navy (see Section 1.g.).

Prison conditions generally are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor standards in short-term detention centers as well as in undeclared detention centers run by progovernment Tamil groups such as the PLOTE (see Section 1.d.).

The Government permitted representatives from the ICRC to visit approximately 250 places of detention. The HRC also made over 1,400 visits to police stations and detention facilities during the year (see Section 1.d.).

Conditions also are poor in detention facilities operated by the LTTE. Some former prisoners reported being handcuffed and shackled during much of their captivity.

The LTTE permitted the ICRC to visit only a few detainees (see Section 1.d.).

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. Under ordinary 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 3 months or longer. Under the ER and the Prevention of Terrorism Act (PTA), security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and reactivated in August 1998, allows pretrial detention for a maximum of four consecutive 3-month periods. A magistrate must order further detention. Detainees may challenge their detention and sue the Government for violating their civil rights in the Supreme Court.

In spite of the Government's announcements that it would close all secret detention centers, there were continued reports that the security forces held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.).

Large-scale arrests of Tamils continued during the year; these arrests were particularly prevalent after LTTE bombings. The Government detained more than 1,970 persons under the ER and the PTA during the year, a slightly higher number than in 1998. Many of these detainees were arrested during operations against the LTTE. The majority of those arrested were released after periods lasting several days to several months; however, the total number of prisoners held under the ER and the PTA was consistently close to 2,000. Hundreds of Tamils who were arrested under the PTA were being held without bail awaiting trial; some of these persons have been held for up to 5 years. According to the Attorney General, there are almost 1,000 cases under the PTA or ER before the high courts.

Arrests and detentions by the police took place in violation of the legal safeguards built into the ER and other legislation, particularly regarding requirements that receipts be issued and that the HRC be notified of any arrest within 48 hours. Those arrested by the army generally were turned over to the police within 24 hours as required under the ER. The HRC has a legal mandate to visit those arrested, and police officials generally respected this mandate; however, due to censorship and infrequent access to the area, it was unclear what was happening in the north and east.

Security forces continued to conduct large-scale detentions and arrests of young Tamils, both male and female, on suspicion of being members or sympathizers of the LTTE. Major sweeps and arrests occurred in Colombo, in the east and on the Jaffna peninsula. Hundreds of Tamils at a time were picked up during police actions. Most were released after identity checks lasting several hours to several days. The Government justified the arrests on security grounds, but many Tamils claimed that the arrests were a form of harassment. In addition those arrested, most of whom were innocent of any wrongdoing, sometimes were detained in prisons together with hardened criminals. Security forces also caused other problems for Tamils. Tamils complained that they were verbally abused and held for extended periods of time at the security checkpoints that have been set up throughout Colombo. In July 1998, the President established the CIUAH. The committee, which includes senior opposition party and Tamil representatives, was tasked to look into complaints stemming from arrests and other security force actions and take remedial action as necessary. The committee set up a telephone hot line and received and investigated more than 100 complaints during the year. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee acted as a deterrent to random arrests and helped to alleviate some of the problems encountered by detainees and their families. However, some critics claim that, following an initial rash of publicity, the committee's services have not been widely advertised. For example, the fax number for the committee is not in the Colombo telephone directory. Those wishing to contact the CIUAH usually are referred through human rights lawyers or find it by word of mouth. Finally, many Tamils believe that the CIUAH does little to deter police agents from stopping them more frequently at security forces checkpoints in the capital.

The HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC legally is constituted to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes breached the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 250 detention centers, police stations, and army camps throughout the country that were recognized officially as places of detention. This played an important role in enabling the ICRC to monitor the human rights practices of the security forces. The HRC, through its 10 regional offices, also visited places of detention; however, human rights observers believed that due to inadequate leadership and a failure of the HRC to give long term contracts to many of its workers, the organization was not pursuing its mandate (see Section 4).

The PLOTE continued to run places of illegal detention in Vavuniya.

The LTTE continued to detain civilians, often holding them for ransom. For example, in September the LTTE held three businessmen for a ransom of $550,000 (40 million rupees). There continued to be unconfirmed reports that the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. Those held included 12 civilian crew members of 3 vessels hijacked by the LTTE since 1995. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees aside from these crew members and 15 security force personnel.

The Government does not practice forced exile. There are no legal provisions allowing or prohibiting its use.

e. *Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects these provisions 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 mandatory retirement age, which is 65 for the Supreme Court and 62 for judges on 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, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and 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 not in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice has created five community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. There are no jury trials in cases brought under the PTA. Confessions, which are inadmissible in criminal proceedings, are allowed in PTA cases. Most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Although over l,000 cases under the PTA and the ER were before the courts, no cases came to trial during the year.

Most court proceedings 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. Few judges speak Tamil. The ER was published only recently in Tamil, and there are no law reports and few legal textbooks in Tamil.

In Jaffna LTTE threats to court officials disrupted normal court operations. The courts were operating on only a limited basis by year's end.

The LTTE has its own self-described court system, composed of young 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. During the course of the year, the LTTE committed several "lamp post" killings in which the bodies of those executed were left for public display (see Section l.a.).

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. There is insufficient information to verify this claim and to determine whether these detainees or members of the now legal JVP, who were detained in similar fashion in past years, were political prisoners. Between 200 and 300 of those previously detained—mostly JVP members—have been convicted under criminal law and remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons.

The LTTE also 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 Government generally respects many of the constitutional protections of individual privacy and the sanctity of the family and home; however, it infringes on these rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of Defense is responsible for providing oversight for such searches. There is no judicial review or other means of redress for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces. The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband. The Government censors international television broadcasts received in the country that cover military operations (see Section 2.a).

Progovernment Tamil militant groups, nominally operating under government control, use forced conscription. There are credible reports that Tamil youth in the east in particular have been forced to join these groups under threats to themselves and their families.

The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. There are credible reports the LTTE has warned Muslims displaced from the Mannar area (approximately 55,000 persons) not to return to their homes until the conflict is over. The LTTE also forcibly recruits children (see Section 6.c.).

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Hostilities between the Government and the LTTE continued throughout the year. After failing to open a land-based supply route to Jaffna during 1997-98, the SLA launched Operation Rana Gosa in March. In a series of offensives between March and September the SLA gained territory in the north and west of the island. However, in November the LTTE counterattacked and successfully pushed back government forces to new defensive lines, and recaptured most of the territory the SLA had gained since 1997. The President replaced several officials in the military, and imposed a ban on press coverage of the war following the Government's losses to the LTTE (see Section 2.a.). It is estimated that more than 1,000 combatants on both sides were killed.

Over 340,000 persons, principally in the Vanni region, remain displaced by the past several years of fighting.

In the past, the Government often has publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, the military was more secretive during the year and did not give public warnings before the commencement of its advances. At least 36 persons were killed by security forces during the year. Despite the use of unmanned aerial vehicles to assess targets before attacks, bombings and artillery fire against LTTE installations have killed civilians working at those installations or living nearby.

On September 15, the air force dropped 3 bombs on a village near PTK in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the airforce targeted an LTTE training camp, and at first did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident.

In November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops (see Section 1.a.).

The security forces continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). According to the military, the army also has established human rights cells in each division and human rights offices in each brigade and battalion. Civilian casualties in the north and east battle zone remained relatively low during the year. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages. Although incidents occurred where the rules apparently were breached or waived, these were isolated cases. In some cases, poor targeting by the armed forces resulted in civilian casualties from artillery fire and bombs. The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians.

The Government continued to provide food relief to displaced and other needy citizens, including those living in areas controlled by the LTTE. However, the Government decided to cut significantly food rations to the north in 1998. Food also is distributed by the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS). Food rations are delivered by the Government to the Vanni area through a checkpoint whose location was moved twice as a result of changes in the battlefield situation. This checkpoint 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 ("uncleared area" in Government parlance) was closed a total of five times during the year, including a long period of closure from late June until early August (see Section 2.d.). These closures were related directly to the armed conflict. As a result, the distribution of food to the north was erratic during the year. Nongovernmental organization (NGO) representatives expressed concern that these interruptions had an impact on food reserves in the Vanni area and may have led to worsened nutrition there.

The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the MOD. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas.

The Ministry of Defense reported that during the course of the year, over 35 LTTE insurgents turned themselves in and over 400 either surrendered on the battlefield or were arrested in security sweeps, with many of those arrested subsequently sent to rehabilitation centers. The ICRC continued to visit approximately 150 former LTTE members now in government rehabilitation camps who had surrendered during the previous 2 years. Given the scale of hostilities and the large number of LTTE casualties, observers found the number of prisoners taken under battlefield conditions to be extremely low; many LTTE fighters apparently were killed rather than taken prisoner. Observers believed that on the government side, an unwritten "take-no-prisoners" policy generally remained in effect. However, various other factors may have limited the number of prisoners taken, such as the LTTE's efforts to remove wounded 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 wounded fighters (see Section 1.a.). No army or other security forces personnel were prosecuted or disciplined for executing prisoners.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to Government care. During the course of the year, there were verifiable instances of wounded LTTE cadres surrendering to the Government and receiving appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Eyewitness accounts confirm that the LTTE has executed wounded soldiers on the battlefield. The LTTE admits to holding only 15 security forces prisoners, all of whom were captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel it has captured in recent years. However, the LTTE released two army deserters who surrendered to it in 1998. In November the LTTE handed over 11 SLA members who were captured during the year to the ICRC.

The LTTE uses excessive force in the war. During the course of the year, the LTTE attempted to assassinate the President, killed a Member of Parliament, killed other noncombatants, and engaged in hostage taking, hijackings and bombing of civilian targets.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga; the bomb injured the President and Justice Minister Peiris and killed 14 persons, including the perpetrator (see Sections 1.a. and 3). That same day the LTTE allegedly bombed a UNP rally, killing 11 civilians (see Section 1.a.).

On September 18, LTTE insurgents massacred more than 50 Sinhalese men, women, and children in Gonagala, allegedly in retaliation for the air force bombing of PTK (see Section 1.a.).

A number of suicide bombings, Claymore mine attacks and "pistol gang" shootings occurred during the year, killing and injuring dozens of civilians (see Sections 1.a. and 1.c.).

In September the LTTE attacked a Chinese merchant ship, which had strayed to within about 7 miles of the coast. None of the crew was hurt in the attack, and the ship was rescued and escorted to Trincomalee Harbor by the navy (see Section 1.c.).

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions; however, there were no reports that this occurred during the year. Reports that the LTTE was using children on the battlefield were verified when 25 LTTE fighters surrendered en masse in September 1998. At least one of those who surrendered was 13 years old; most of the others were between 15 and 17.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled and other parts of the Vanni region. Experts have reported an increase in anemia and a lower birth rate, both indications of lower levels of nutrition. Nutrition levels were generally below the national average, and there were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information, and continued to censor news relating to the military and security situation. In June 1998, the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. Although enforcement was lax at the beginning of the year, the Government reissued its censorship order in November after the military suffered setbacks in the field. Even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country, with almost all references to Sri Lanka removed.

Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (a radio station). However, 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. However, some journalists practiced self-censorship due to fear of intimidation. There is also one privately owned newspaper published in Jaffna. There are no political restrictions on the establishment of new media entries.

The Government still has failed to reform the press law and privatize government-owned media as promised during the 1994 election campaign. In 1997 the Government presented a draft broadcasting reform bill in Parliament, but there was considerable opposition from members of the media, and the Supreme Court subsequently ruled that the bill was inconsistent with the Constitution. Revisions subsequently proposed by a blue-ribbon panel have yet to be implemented. A highly-touted national media policy proposed by the Government in 1994 and again during the year was criticized as irrelevant by senior editors.

On March 14, a journalist for an independent Sinhala-language newspaper, was abducted from his home and assaulted, allegedly by a brigadier in the army. Army officials placed the brigadier under open arrest pending a full police inquiry; the case was still pending at year's end.

On July 15, members of the presidential security division attacked journalists who were covering an opposition party rally in the vicinity of the President's residence. The perpetrators injured protesters, including journalists and photographers and confiscated cameras. Involvement by the presidential security division was at first denied, then later confirmed by the media minister (see Sections 1.c. and 2.b.).

In August the offices of the only Tamil-language daily newspaper in the north of the country were attacked, allegedly by a progovernment Tamil paramilitary group accused by the newspaper of extortion and bullying tactics in and around Jaffna.

A journalist who regularly reports on defense matters, including corruption in military procurements, was attacked in his home by armed men in February 1998. He and his family were threatened at gunpoint before the attackers fled. The Government criticized the attack and subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former commander of the air force. A formal indictment was handed down early in the year against the accused and the case was due for trial in November; however, the trial was postponed until May 2000.

On September 7, unknown assailants shot and killed Rohana Kumara, editor of the Sinhala-language newspaper Satana. The newspaper was critical of leading figures in the ruling coalition (see Section 1.a.). Allegations of government involvement in the attack were not substantiated.

On November 2, unknown assailants shot and killed Ramesh Nadarajah, a Tamil Member of Parliament for the EPDP and the editor of a weekly Tamil-language newspaper (see Section 1.a.).

The editor of a leading national newspaper who was found guilty of defaming the president in 1997 since has appealed the verdict. After many postponements the appeal is scheduled for early 2000. Another defamation case filed by the President in 1995 and three others filed in 1997—all against editors of major newspapers, either critical of the Government or proopposition—still were pending and unresolved. These cases were viewed by journalists as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance was formed during the year 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 and difficulty in obtaining press accreditation cards. In August the Sri Lanka Tamil Media Alliance filed the first-ever fundamental rights test case on behalf of an ethnic Tamil reporter on the staff of the government owned and controlled Tamil language daily.

Both foreign and national journalists are allowed to go to the conflict areas; however, they must receive advance permission from the Ministry of Defense. The Foreign Ministry also must approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced but still prevail. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. However, after censorship was imposed in June 1998, the Government became the only source of most news about security and defense matters that could be disseminated to the public legally.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. In the past, the LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom and 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 on July 29 (see Section 1.a.). The LTTE severely repressed members of a human rights organization, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula; most former members of this group have been killed.

b. *Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose during the year. The Government generally granted permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

During the year several incidents of violence occurred at political rallies held by the PA and the opposition UNP, including an attempted assassination of the President (see Sections 1.a. and 3).

On July 15, government security forces injured several journalists and other demonstraters at a UNP rally near the presidential palace (see Sections 1.c. and 2.a.).

The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that during the year.

The LTTE does not allow freedom of association in the areas it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of those Tamil civilians whose association with security forces and other Government entities it seeks to prevent. 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 gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects 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 Sri Lanka, but for more than 30 years the Government has prohibited the entry of new foreign Jesuit clergy. In 1962 the Government reached an agreement with the Catholic Church that new foreign clergy would not be permitted to enter the country on a permanent basis. As foreign clergy retired, Sri Lankans would replace them. It permitted those already in the country to remain. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute and is not lobbying the Government to change the agreement. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin.

Some evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytizing often are met with hostility and harassment by the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment; however, there is no evidence to support this claim. In 1997 the Assemblies of God Church filed a fundamental rights case with the Supreme Court after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism.

The Supreme Court ruled that the construction of the church could proceed. The construction of the new church was nearing completion at year's end. However, in May two bombs exploded in the hall of the church; no one was injured but the structure was damaged slightly (see Section 5).

The LTTE has discriminated against Muslims in the past. In 1990 it evicted some 46,000 thousand Muslims from areas under its control in the north. The LTTE also has expropriated Muslim homes, lands, and businesses, and threatened Muslim families with death if they attempted to return to areas under LTTE control.

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 Sri Lanka," and the Government generally respects the right to domestic and foreign travel; however, 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 must obtain police passes in order to move freely in the north and east and frequently are harassed at checkpoints around the country (see Section 1.c.). These security measures have the effect of restricting the movement of Tamils, especially young males. Prior to the government military offensive on the Jaffna peninsula in 1995 and 1996, an estimated 600,000 citizens had been displaced by the insurgency. Most lived in camps financed by the Government and NGO's. The Jaffna offensive, in addition to the military advance in Kilinochchi in the Vanni region in July 1996, resulted in the displacement of hundreds of thousands of persons in LTTE-controlled areas of the Vanni region; some of these persons were being displaced for a second or third time. Some of the displaced persons lived with friends or relatives, or in "welfare centers" in schools, religious institutions and other public buildings. Many others lived in makeshift shelters or camped out under trees. The Government continued to supply them with food, medicine and other essential supplies. The military offensive in the Vanni region that began in May 1997 and continued until the end of 1998 displaced an additional 70,000 persons. However, well over 100,000 persons have left the LTTE-controlled parts of the Vanni region since 1996, and this has helped to relieve the situation. Most of these displaced persons have returned to their homes on the Jaffna peninsula.

The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city, although the military has reduced the number of checkpoints there compared with 1997. For Tamils, travel from Jaffna to other parts of the country is extremely difficult, due in part to security restrictions imposed by the security forces and in part by the limited availability of transportation to the south.

From October 1996 until the end of 1999, over 150,000 persons are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points in government-controlled regions. Of these, over 100,000 persons were repatriated to or otherwise 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 can take between 2 and 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and the very young. While the Government had a legitimate interest in identifying LTTE infiltrators, it also ap-

peared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. About 14,000 of these displaced persons continue to live in substandard conditions in camps in Vavuniya and Mannar. Many of these persons hope to return to their homes in the areas of conflict once the fighting stops.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons who sought to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition, it usually would grant permission to only one family member to travel at a time. However, following the Government capture of Jaffna the LTTE began to allow persons to move more freely into government-controlled areas, although it occasionally disrupted the flow of persons exiting the Vanni region through the checkpoint. In November most of the residents of Vavuniya evacuated the town due to LTTE threats that it was planning to shell the town as part of its counterattack against the Government. A week later, the LTTE withdrew its threat and most of the town's residents returned. The LTTE also disrupted the movement of IDP's from Trincomalee and Mannar to Jaffna by hijacking or attacking civilian shipping in the north. The LTTE also disrupted civilian air traffic to Jaffna; in August 1998 it began warning civilians and humanitarian workers not to use civilian flights servicing the peninsula. Humanitarian groups estimate that there are more than 200,000 IDP's in LTTE-controlled areas (see Section 1.g.).

Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 64,000 Tamil refugees live in camps there, having left Sri Lanka at various times throughout the period of the conflict. Another 100,000 refugees are believed to have been integrated into Tamil society in southern India.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) 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. The law does not include provisions for granting refugee/asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no instances of forcible repatriation of persons to a country where they feared persecution.

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

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. This right was exercised during parliamentary elections in August 1994, when the PA coalition ended the l7-year rule of the UNP, during the presidential elections in November 1994, when PA presidential candidate Chandrika Kumaratunga won 62 percent of the vote, and in December when Kumaratunga was reelected in elections that were generally free and fair but were marred by voting irregularities and violence.

In November President Kumaratunga called for presidential elections to be held on December 21 even though her 6-year term was not set to expire until November 2000. The preelection period was marked by violence. On November 14, a grenade exploded in the vicinity of a UNP rally featuring opposition leader and presidential candidate, Ranil Wickremesinghe. One youth was killed in the blast and about 35 persons were injured (see Sections 1.a. and 1.c.). On November 29, the main UNP headquarters were attacked by 25 armed persons who threatened security staff, tore down posters, and broke windows.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga at a rally 3 days before the presidential elections. The bomb injured the President, Justice Minister Peiris, and many others, and killed 13 bystanders (see Sections 1.a. and 1.c.).

On December 18, the LTTE allegedly also bombed a rally of the UNP, killing 11 civilians (see Section 1.a.).

There also were allegations that the ruling PA party took measures to undermine free and fair elections. On November 12, President Kumaratunga appointed an acting election comissioner. There were allegations that this appointment was politically motivated, although he permitted local election monitors and some international observers to participate in elections. On November 6, after a series of military setbacks in the war with the LTTE, the Government implemented a strict censorship policy regarding reporting of military or security news (see Section 2.a.). Opposition figures criticized this policy for curtailing freedom of expression, and alleged that it was implemented to cover up the recent military setbacks prior to the elections.

On December 21, President Kumaratunga was reelected with 51 percent of the vote. There were credible accounts of voting irregularities in several locations around the country. At least six persons were killed on December 21 in election-related violence. By year's end, local observers had not issued reports on the elections; however, they expressed concern about whether the vote was free and fair. A team of international observers stated that, despite some irregularities, they were satisfied with the conduct of the elections. None of the opposition candidates challenged the election results.

Elections for seven of the country's nine provincial councils took place during the year. In January elections were held in the northwest ('Wayamba') province; the ruling PA won 28 seats, the UNP won 19 seats, and the JVP won 3 seats. This election was marked by violence and accusations of electoral fraud. The Center for Monitoring Election Violence (CMEV) reported more than 800 instances of violence, including 2 cases of murder and 11 cases of attempted murder, as well as a large number of assaults and cases of intimidation (see Sections 1.a. and 1.c.). In response to sharp criticism about the way that the vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair." Although there was some criticism following the five provincial council elections held in April and the southern province election held in June, reported incidents of violence were far fewer than in January. The ruling PA party narrowly won elections in the April provincial council elections, claiming 120 of 263 seats. The UNP took 112 seats and the JVP won 15. In the June southern provincial elections, the PA gained 27 seats, the UNP won 21, and the JVP won 7.

In January 1998, the Government held local government elections in Jaffna for the first time in over a decade. Although turnout for the elections was relatively low due in part to threats from the LTTE and in part to outdated electoral register, observers believed that the elections were free and fair. Voters elected 239 representatives from 5 Tamil political parties to serve on 17 local councils.

The Commissioner of Elections recognizes 34 parties; however, only 10 parties actually hold seats in the 225-member Parliament. 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. Historically, these two parties have alternated in power.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and they are underrepresented. Nonetheless, in August 1994, voters elected a Parliament that chose a female prime minister for the third time in the country's history. In November 1994, a woman was elected President for the first time; she was reelected in December for a second term. Eleven women hold seats in the Parliament. In addition to the Prime Minister, the Minister for Women's Affairs and the Minister of Social Services, a number of deputy ministers are women. There are 27 Tamil and 20 Muslim Members of Parliament.

The LTTE refuses to allow elections in areas under its control. Through a campaign of murder and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the murder of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims to be part of a Tamil homeland. During the summer, the LTTE told politicians in the east to suspend their political activities and stay away from their constituencies; however, this ban was lifted by year's end.

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

There are several domestic NGO human rights groups, including the Movement for Interracial Justice and Equality (MIRJE), the University Teachers for Human Rights, Jaffna (UTHR–J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGO's, although in February the Government began requiring NGO's to include action plans and detailed descriptions of funding sources as part of its official registration process. Some NGO workers believed that this was an attempt by the Government to exert greater control over the NGO sector after human rights groups criticized the Government's handling of the Wayamba elections in January (see Section 3). However, few NGO's complied with these new reporting requirements. The Government generally cooper-

ated with NGO's, with members of Parliament, and with other officials frequently participating in seminars and other events concerning human rights and humanitarian affairs.

The Government continued to allow the ICRC unrestricted access to detention facilities (see Sections 1.c. and 1.d.). In the past, the ICRC provided international humanitarian law training materials and training to the security forces on an ad hoc basis. The UNHCR, the ICRC, and a variety of international NGO's assisted in the delivery of medical and other essential supplies to the Vanni area, even with the many restrictions on such supplies (see Section 1.g.). Some observers believed that increased restrictions on relief work, coupled with a cut in dry food rations, were linked to a government policy to draw persons out of the LTTE-controlled parts of the Vanni region. There was insufficient evidence to verify this claim.

During the year, the HRC conducted more than 1,000 visits to police stations and over 300 visits to detention facilities. It is estimated that the HRC has well over 2,500 cases of alleged human rights abuse pending. The commission also began the investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna, which resulted in the government investigation and exhumations (see Section 1.a.). Nonetheless, human rights observers believed that the work of the HRC was hampered severely by a lack of strong leadership within the organization. For example, after almost 3 years of operation, the HRC has failed to hire permanent staff. The organization also responded inadequately to requests from its field officers for protection when inquiries placed them in danger. The HRC also has been criticized for micromanaging the activities of the field offices, which are poorly equipped. The establishment of the CIUAH in 1998 strengthened claims of the HRC's ineffectiveness, since the responsibilities of the CIUAH clearly fell within the HRC's mandate (see Section 1.d.). The tenure of the HRC commissioners, including the chairman, is set to expire in March 2000.

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

The Constitution provides for equal rights under the law for all citizens, and the Government generally respects 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) represent serious and pervasive forms of societal violence against women. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation. Rape laws were modified 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 harassment in the workplace and sexual molestation. 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 also is required. The Government set up the Children and Women Protection Bureau within the police in 1994 to respond to calls for greater awareness and attention. Police statistics indicated that there were 26,660 crimes against women during the period from January to July, compared with 26,565 crimes between January and June of 1998. Laws against procuring and trafficking were strengthened in 1995, facilitating the prosecution of brothel owners; however, trafficking in women for the purpose of forced prostitution occurs (see Section 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, issues 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 is 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 demonstrates a strong commitment to children's rights and welfare through its extensive systems of public education and medical care. The 1997 Compulsory Attendance at Schools

Act of 1997 was implemented in January 1998 and requires that children between the ages of 5 and 14 attend school (see Section 6.d.). Education is free through the university level. Health care, including immunization programs, also is free.

There is a significant problem of child prostitution 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 the number is much higher; estimates range as high as 15,000 to 20,000 (see Sections 6.d. and 6.f.). A 1998 U.N. International Labor Office study placed the total at 30,000. The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who sell themselves to foreign tourists. Some of these children are forced into prostitution. The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. Several foreign pedophiles were brought before courts during the year. The penalty for conviction is usually a fine and deportation. Two foreign pedophiles were convicted during the year; one was sentenced to 14 years in prison and the other was deported (see Section 6.f.). In 1995 the Ministry of Media, Tourism, and Aviation created a task force specifically to study the problem of sex tourism and related offenses. It was abolished at the end of 1997 and superseded by a presidential task force on child protection.

Following the recommendation of the task force, the Government created the National Child Protection Authority (NCPA) in 1998. In May the President appointed board members to the NCPA. The law establishing the NCPA consolidated existing legislation and defined a child as anyone under age 18. 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 board is composed of senior law enforcement officers as well as representatives from education and the medical and legal professions, and reports directly to the President. At year's end, the NCPA was involved in recruiting permanent staff.

In the first half of the year, the police recorded 2,066 cases of crimes against children, compared with 1,752 crimes in the first half of 1998. Although NGO's welcomed the NCPA legislation, many attribute the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources are diverted to the conflict with the LTTE.

Labor force surveys over the past several years have suggested that more than 16,000 children may be fully employed (see Section 6.d.). Additional thousands of children are believed to be working in domestic service. There have been reports of rural children working as domestic servants in urban households—often given into service by poverty stricken parents—and being abused by their employers. Some of these children reportedly have been starved, beaten, sexually abused, and forced into prostitution (see Section 6.c.). The Government states that it does not have sufficient resources to protect these children from such exploitation (see Section 6.d.). Nonetheless, the Government has supported a high-profile UNICEF advertising campaign aimed at combating child labor.

The LTTE recruits children for use in battlefield support functions and in combat. It has been confirmed that some of these children are as young as age 13, and some are recruited forcibly (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; however, it is not clear that the LTTE has honored this pledge.

People With Disabilities.—The law does not mandate accessibility to buildings or government services for the disabled. The World Health Organization estimates that 7 percent of the population are disabled. Most disabled persons who are unable to work are cared for by their families. The Department of Social Services operates eight vocational training schools for the physically and mentally disabled and sponsors a program of job training and job placement for graduates. Some private companies, at the urging of the Government, have provided training and jobs to disabled veterans. The Government also provides some financial support to NGO's that assist the disabled, subsidizes prosthetic devices and other medical aids for the disabled, makes some purchases from disabled suppliers, and has registered 74 schools and training institutions for the disabled run by NGO's. The Social Services Ministry has selected job placement officers to help the estimated 200,000 work-eligible disabled persons to find jobs. In spite of these efforts, the disabled still face difficulties arising from discrimination and negative attitudes. In December 1996, Parliament passed legislation forbidding discrimination against any person on the grounds of disability. No cases are known to have been filed under this law.

Indigenous People.—The indigenous people of Sri Lanka, known as Veddas, number less than 1,000. They prefer to maintain their isolated traditional way of life and are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In August 1998, the Government fulfilled a long-standing Vedda demand when the president issued an order granting many 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, special identity cards were issued to some Veddas to facilitate their use of these forest areas. However, some Veddas still complain that they are being pushed off of their land.

Religious Minorities.—Discrimination based on religious differences is much less common than discrimination based on ethnic group or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. However, on occasion evangelical Christians have been harassed by Buddhist monks for their attempts to convert Buddhists to Christianity (see Section 2.c.). In March 1988, the leader of an Assemblies of God congregation in the southern town of Tissamaharama was killed by unknown assailants. In April two bombs were placed in the church hall of this congregation, now run by the pastor's widow (see Section 1.c.). No one was injured; however, the building sustained some structural damage.

In the northern part of the island, LTTE insurgents expelled some 46,000 Muslim inhabitants from their homes in 1990—virtually the entire Muslim population. Most of these persons remain displaced. In the past, the LTTE has expropriated Muslim homes, lands, and businesses and threatened Muslim families with death if they attempt to return.

National/Racial/Ethnic Minorities.—There are approximately 1 million Tamils of comparatively recent Indian origin, the so-called "hill Tamils" or "Indian Tamils," whose ancestors originally were brought to Sri Lanka in the 19th century to work on plantations. About 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 are also 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 the year, the Government introduced a program to begin registering these individuals. During the year, some "Indian" Tamils received identity cards; however, the program reportedly was not progressing quickly.

Both Sri Lankan and "Indian" Tamils maintain that they have long been the victims of systematic discrimination in university education, government employment and in other matters controlled by the Government. However, in recent years, there has been little clear evidence of overt discrimination in university enrollment or government employment, although some groups continue to assert that it exists. In January 1996, the Government established a parliamentary select committee to consider a "devolution" package designed to devolve wide-ranging powers to local governments, thereby providing ethnic minorities greater autonomy in governing their local affairs. The devolution proposals were placed before Parliament in September 1997. Although much has been made of the devolution proposals as a springboard to talks with the LTTE and a possible means to end the ethnic war, the ruling PA and opposition UNP could not agree on several key aspects of the proposals. The proposal was not voted upon in Parliament by year's end.

Section 6. Worker Rights

a. *The Right of Association.*—The Government respects the Constitutional right of workers to establish labor unions. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Over 70 percent of the plantation work force, which is overwhelmingly "Indian" Tamil, is unionized. In total there are over 900,000 union members, 650,000 of whom are women. Approximately 20 percent of the nonagricultural work force in the private sector also is 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.

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. In 1998 the most recent year for which data are available, the Department of Labor registered 111 new unions and canceled the registration of 14 others, bringing the total number of functioning unions to 1,678. The Department of Labor is authorized by law to cancel the registration of any union that

does not submit an annual report. This requirement is the only legal grounds for cancellation of registration.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers also may lodge complaints with the Commissioner of Labor, a labor tribunal or the Supreme Court to protect their rights. Before September 1994, the Government controlled strikes by declaring some industries to be essential under the ER. Subsequently, this practice largely ceased, with the Government permitting, for example, a 5-week postal strike early in 1998. However, the President retains the power to designate any industry as an essential service. In June the Government attempted to break a doctors' strike by declaring medical services, which are provided by the State under a program of socialized medicine, as essential. However, the doctors continued to strike, defying the order until it was revoked, and the Government agreed to consider the doctors' grievances. The International Labor Organization 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 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 recent years. There were 128 strikes in the public sector during the year. There were 115 strikes during 1998 and 156 strikes in 1997.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity are not grounds for dismissal. Any employees who have been dismissed have a right to appeal their termination before a labor tribunal.

Unions are free to affiliate with international bodies, and many of them have done so. However, there is no national trade union center that is affiliated with the International Confederation of Free Trade Unions (ICFTU) to centralize or facilitate this contact.

b. *The Right to Organize and Bargain Collectively.*—The law provides for the right to collective bargaining, and it is widely practiced. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the export processing zones (EPZ's), worker councils—composed of employees, employers and often a public sector representative—are generally the forums for labor/management negotiation. However, the councils are not mandatory outside the EPZ's, do not have the power to negotiate binding contracts, and have been criticized as ineffective by labor advocates.

For most of the year, the law did not require management to recognize or bargain with unions, and in some cases employers declined to recognize the unions in their factories. However, in December Parliament passed an amendment to the Industrial Disputes Act, which requires employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination. Employers found guilty of such discrimination are required to reinstate workers fired for union activities, but have the right to transfer them to different locations.

There are approximately 87,500 workers employed in the EPZ's, a large percentage of them women. Under the law, workers in the EPZ's have the same rights to join unions as other workers. However, few unions have been formed in the EPZ's, largely 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 EPZ's is only 0.2 percent. Some labor representatives allege that the Government's Board of Investment (BOI), which manages the EPZ's, has discouraged union activity and few unions have been formed. Work councils in the EPZ's are chaired by the BOI and only have the power to make recommendations. While employers in the EPZ's offer higher wages and better working conditions generally 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 EPZ's, where wages and work conditions are set by the BOI.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by provisions of the Abolition of Slavery Act of 1844; however, there were reports of its use. The act does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages. There are credible reports that some rural children are employed in debt bondage as domestic servants in urban households; some of these children reportedly have been abused (see Section 5). Some children were forced into prostitution (see Sections 5 and 6.f.) There are credible reports that some members of the STF operating in the Batticaloa area forced local villagers to work without compensation in clear-

ing jungle areas and in other manual labor in and near STF camps during the year. In some cases, the villagers were threatened directly or indirectly with physical abuse if they did not perform the work.

The LTTE continues to conscript 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 in battle, and children sometimes are recruited forcibly into the LTTE. In May the LTTE began a program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including schoolchildren and the aged. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is widely believed that the training was established in order to gain tighter control over the population.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—In 1998 Parliament passed the National Child Protection Authority Act (NCPA) to combat the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that clearly established what types of employment are restricted for children, which age groups are affected, and what the minimum age for child labor is for particular jobs. The minimum age for employment is 14, although the law continues to permit the employment of younger children by their parents or guardians in limited agricultural work. Under certain circumstances domestic employment is permitted for children as young as age 12. A recent 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. The law also permits employment in any school or institution for training purposes. The Compulsory Attendance at Schools Act of 1997, 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. The ultimate effect that this may have on the child labor problem remains unclear.

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 EPZ's, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in nonplantation agriculture. About 85 percent of children below the age of 16 attend school. The law permits the employment of such persons for not more than 1 hour on any day before school. However, a 1995 labor survey of the plantations indicated that half of all children in plantations drop out of school after the fourth grade, leaving a large pool of children between the ages of 10 and 15 available to pursue employment.

Despite legislation, some child labor still exists. A 1997 census and statistics department survey found that 16,511 children between the ages of 10 and 14 were fully employed. This included 11,132 males and 5,379 females. Additional thousands of children (estimates range from 50,000 to 100,000) are believed to be employed in domestic service, although this situation is not regulated or documented. Many child domestics are subjected to physical, sexual, and/or emotional abuse. A significant portion of employed children work outside their families. In addition to domestic service, regular employment of children occurs mainly in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, eating houses, and repair shops. Children also are involved in the manufacture of coconut fiber products, bricks, fishing, wrapping tobacco, street trading, and farming. Government inspections have been unable to eliminate these forms of child labor (see Section 5), though an awareness campaign coupled with the establishment of hot lines for reporting child labor led to over 500 complaints in 1998. There are an estimated 250 to 300 prosecutions each year in cases related to the employment of minors. Under legislation dating from 1956, the maximum penalty for employing minors is about $14 (1,000 rupees), with a maximum jail term of 6 months.

Children work as prostitutes as well (see Section 6.f.). Estimates of the number of child prostitutes range from 2,000 to 30,000; however, there are no reliable statistics (see Section 5). Although forced or bonded labor by persons of any age are prohibited by law, some rural children reportedly serve in debt bondage (see Sections 5 and 6.c.).

e. *Acceptable Conditions of Work.*—The Department 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, about 40 wage boards set minimum wages and working conditions by sector and industry. According to the statistics department of the Labor Ministry, current minimum wage rates average

$30 (2,130 rupees) per month in industry, commerce, and the service sector; and $1.33 (95 rupees) per day in agriculture. The minimum wage in the garment industry is $35 (2,535 rupees) per month. These minimum wages are insufficient to provide a decent standard of living for a worker and the standard family of five, but the vast majority of families have more than one breadwinner. Most permanent full-time workers are covered by laws that prohibit them from working regularly more than 45 hours per week (a 5-and-one-half day workweek). Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and some 20 local holidays each year.

Maternity leave is available for permanent and casual female workers. Employers must contribute 12 percent of a worker's wage to an employee's provident fund and 3 percent to an employee's trust fund. Employers who fail to comply may be fined, although the effectiveness of government enforcement of this provision is unknown.

Several laws protect the safety and health of industrial workers. However, the Department of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. 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.*—Penal Code amendments enacted in 1995 made trafficking in persons illegal; however, there are credible reports that trafficking in women and children occurs. According to police reports, there is a floating pool of 200 foreign female sex workers in the country who were trafficked from the former Soviet Union, Thailand, and China. There are also occasional reports of female Sri Lankan domestic workers in the Gulf States being abused and illegally exploited.

Internal trafficking in male children also is a problem, especially from areas bordering northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO estimates that there are at least 5,000 male children between the ages of 8 and 15 who are engaged as sex workers both at beach and mountain resorts. Some of these children are forced into prostitution by their parents or organized crime (see Section 5). PEACE also reports that there are an additional 7,000 young men aged 15 to 18 who are self-employed prostitutes. The country reportedly has a growing reputation as a destination for foreign pedophiles; however, officials believe that approximately 30 percent of the clients are tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles. During the year, two foreign pedophiles were convicted; one was sentenced to 14 years' imprisonment and the other received a suspended sentence and was deported (see Section 5).

APPENDICES

Appendix A.—Notes on Preparation of the Reports

We base the annual Country Reports on Human Rights Practices on information available from all sources, including American and foreign government officials, victims of human rights abuse, academic and congressional studies, and reports from the press, international organizations, and nongovernmental organizations (NGO's) concerned with human rights. We find particularly helpful, and make reference in most reports to, the role of NGO's, ranging from groups in a single country to those that concern themselves with human rights worldwide. While much of the information 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 reports to Congress by February 25. To comply we provide guidance to United States 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 these country reports as comprehensive as space will allow, while taking care to make them objective and as uniform as possible in both scope and quality of coverage. We have given particular attention to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries.

It is often difficult to evaluate the credibility of reports of human rights abuses. With the exception of some terrorist organizations, most opposition groups and certainly most governments deny that they commit human rights abuses and often 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 (e.g., government forces, terrorists, etc.) 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. 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, it is important to look beyond statements of policy or intent in order to examine what in fact a government has done to prevent human rights abuses, including the extent to which it investigates, tries, and appropriately punishes those who commit such abuses. We continue to make every effort to do that in these reports.

To increase uniformity, the introductory section of each report contains a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance. A description of the political framework and the role of security and law enforcement agencies with respect to human rights is followed by a brief characterization of the economy. The setting concludes with an overview of human rights developments in the year under review, mentioning specific areas (e.g., torture, freedom of speech and press, discrimination) in which abuses and problems occurred.

We have continued the effort from previous years to expand reporting on human rights practices affecting women, children, and indigenous people. We discuss in the appropriate section of the report any abuses that are targeted specifically against women (e.g., rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 5, we continue to discuss socioeconomic discrimination; societal violence against women, children, or minority group members; and the efforts, if any, of governments to combat these problems.

With regard to governmental policies on the welfare of children, readers may wish to consult "The State of the World's Children 1999," published by the U.N. Children's Fund, which provides a wide range of data on health, education, nutrition, and rates of infant mortality and mortality under 5 years of age in some 145 countries, as well as information on the degree of progress that these countries are making in reducing the key mortality rate for those under age 5.

The following notes on specific categories of the report are not meant to be comprehensive descriptions of each category but to provide definitions of key terms used in the reports and to explain the organization of material within the format:

Political and Other Extrajudicial Killing.—Includes killings in which there is evidence of government instigation without due process of law or of political motivation by government or by opposition groups; also covers extrajudicial killings (e.g., deliberate, illegal, or excessive use of lethal force by the police, security forces, or other agents of the State whether against criminal suspects, detainees, prisoners, or others), as well as killings committed by police or security forces in operations or while in the performance of their duties that resulted in the death of persons without due process of law (e.g., mistargeted bombing or shelling, killing of bystanders, etc.); excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out (see also Section 1.g.). Although mentioned briefly here, deaths in detention due to official negligence are covered in detail in Section 1.c.

Disappearance.—Covers unresolved 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 category, 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.—Torture is here defined 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 to cause extremely severe pain or suffering, whether mental or physical. Discussion concentrates 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. This section also covers prison conditions, including whether conditions meet minimum international standards, and deaths in custody 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 charges 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.—Briefly describes 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 category above); includes discussion of "political prisoners" (political detainees are covered above), defined as those convicted and imprisoned for essentially political beliefs or nonviolent acts of dissent or expression, regardless of the actual 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 subsection for use in describing abuses that occur in countries experiencing significant internal armed conflict. Includes indiscriminate, nonselective killings arising from excessive use of force, e.g., by police in putting down demonstrations, or by the shelling of villages (deliberate, targeted killing would be discussed in Section l.a.). Also includes abuses against civilian noncombatants. For reports in which use of this section would be inappropriate, i.e., in which there is no

significant internal conflict, lethal use of excessive force by security forces (which is herein defined as a form of extrajudicial killing) is discussed in Section 1.a.; nonlethal excessive force in Section 1.c.

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 relations or affiliate with recognized international bodies in their fields. The right of labor to associate and to organize and bargain collectively is discussed under Section 6, Worker Rights (see Appendix B).

Freedom of Religion.—Discusses whether the constitution or laws provide for the right of citizens of whatever religious belief to worship free of government interference and whether the government respects that right. Includes the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy and whether religious belief affects membership in a ruling party or a career in government.

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, i.e., 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.—Every report contains a subheading on Women, Children, and People with Disabilities. As appropriate, some reports also include subheadings on Indigenous People, Religious Minorities, and National/Racial/Ethnic Minorities. Discrimination against groups not fitting one of the above subheadings is discussed in the introductory paragraph(s) of Section 5. In this section we address 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.) Societal violence against women, e.g., "dowry deaths," wife beating, rape, and government tolerance of such abuse is discussed in this section under the subheading on women. We also discuss under this subheading the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. Similarly, we discuss violence or other abuse against children under that subheading. Because female genital mutilation is most often performed on children, we discuss it under that subheading.

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 report in a final section under the heading "Worker Rights." The discussion of worker rights

considers not only laws and regulations but also their practical implementation, taking 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 (i.e., those 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 guarantees to safeguard the interests of the workers concerned (e.g., machinery for mediation and arbitration; due process; and the right to judicial review of all legal actions). Reporting on restrictions affecting 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 machinery for voluntary negotiations between employers and workers and their organizations. Reporting on the right to organize and bargain collectively includes descriptions of the extent to which collective bargaining takes place and the extent to which unions, both in law and practice, are effectively protected against antiunion discrimination.

C. "Forced or compulsory labor" is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. "Work or service" does not apply in instances in which 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 views or views ideologically 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. In addition young people should not be employed in hazardous conditions or at night.

E. "Acceptable conditions of work" refers to the establishment and maintenance of machinery, adapted to national conditions, that provides for minimum working standards, i.e., 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 annual paid holiday; and minimum conditions for the protection of the safety and health of workers. Differences in 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 may also permit countries a wide choice in their implementation, including progressive implementation, by enabling countries to accept a standard in part or subject to specified exceptions. Countries are expected to take steps over time to achieve the higher levels specified in such standards. However, it should be understood that this flexibility applies only to internationally recognized standards concerning working conditions. No flexibility is permitted concerning the acceptance of the basic principles contained in human rights standards, i.e., 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, abduction, transport, harboring, transfer, sale, or receipt of persons that occur within national or across international borders; involving the use of force, coercion, fraud, or deception; and resulting in persons being subjected to slavery or slavery-like conditions, or subjected to forced labor or services, domestic servitude, forced or bonded sweatshop labor, or other debt bondage. Describes legal prohibitions against trafficking; the extent to which the government enforces these prohibitions; whether the

country is a source, transit, or destination country for trafficked victims; the extent of trafficking in persons in, from, or to the country, other geographic regions or countries affected by the traffic; and aid or protection available to victims.

APPENDIX C - INTERNATIONAL HUMAN RIGHTS CONVENTIONS

COUNTRY	1 Slavery	2 ILO Convention 29	3 ILO Convention 87	4 Genocide	5 ILO Convention 98	6 Prisoners of War	7 Civilians in War	8 Traffic in Persons	9 European HR Conv.	10 Pol. Rights of Women	11 Suppl. Slavery Conv.	12 ILO Convention 105	13 Racial Discrimination	14 Civil and Pol. Rights	15 Econ/Soc/Cul. Rights	16 UN Refugee Convention	17 UN Refugee Protocol	18 American HR Conv.	19 ILO Convention 138	20 Geneva Protocol I	21 Geneva Protocol II	22 Disc. Against Women	23 Torture	24 Rights of the Child
Afghanistan	P			P		P	P	P		P	P	P	P	P	P							P	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*
Algeria	P	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*							*P*						*P*		*P*
Angola		P			P	P	P			P		P		P	P	P	P			P		P		P
Antigua & Barbuda	*P*	*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*
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*
Azerbaijan	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*
Bahrain	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*
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*
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*	*1*	*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
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*
Botswana	1	P	P		P	P	P				1	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*
Brunei *	1					P	P			1	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*
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
Cambodia	*P*	*P*	*P*	*P*		*P*	*P*				*P*		*P*	*P*	*P*	*P*	*P*		*P*	*P*	*P*	*P*	*P*	*P*
Cameroon	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*
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*
China				P		P	P			P	P		P	S	S	P	P			P	P	P	P	P
Hong Kong				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*									

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Colombia	S	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								P	P	P		P
Congo,Dem. Rep. of	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
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
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
Dominica	P	P	P		P	P	P			1	P	P		P	P	P	P	P	P	P	P	P		P
Dom Republic	P	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
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
Eritrea																						P		P
Estonia	2	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
Fiji	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
Gabon		P	P	P	P	P	P			P		P	P	P	P	P	P			P	P	P	S	P
Gambia *	1			P		P	P				1		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
Greece	P	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
Guinea-Bissau		P			P	P	P					P			P	P	P			P	P	P		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
Honduras		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

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Iceland	P	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	S	P	S	P
Indonesia		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	S	P	P	P	P		P	P	P	P	S	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
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
Kenya		P			P	P	P					P		P	P	P	P		P	P		P	P	P
Kiribati *	1					P	P			1	1			1	1		1							P
Korea, Dem.Rep. of*				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
Laos		P		P		P	P	P		P	P		P							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		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
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
Liechtenstein *				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
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	P		P	P	P	P				P	P	P		P
Malawi	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			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
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
Mauritius	P	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
Micronesia *						P	P													P	P			P

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Moldova			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
Mongolia	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
Namibia			P	P	P	P	P						P	P	P	P				P	P	P	P	P
Nauru *																								P
Nepal	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	S	P
Niue																						P		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
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
Papua New Guinea	P	P		P	P	P	P			P		P	P			P	P					P		P
Paraguay		P	P	S	P	P	P			P		P		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
Philippines	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
Portugal	2	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
Russia	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
Samoa *						P	P								P	P				P	P	P		P
San Marino		P	P		P	P	P		P		P			P	P				P	P	P			P
Sao Tome & Principe			P		P	P	P							S	S	P	P			P	P	S		P
Saudi Arabia	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
Seychelles	2	P	P	P	P	P	P	P		1	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	S	P
Singapore		P		P	P	P	P	P			P	P										P		P

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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	S		P
Somalia		*P*				*P*	*P*					*P*	*P*	*P*	*P*	*P*	*P*						*P*	
South Africa *	P	P	P	P	P	P	P	P		S		P	P	P	S	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*			1	1									*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*			1	*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
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
Syria	*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
Tanzania	*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
Togo	2	*P*	*P*	*P*	*P*	*P*	*P*	*P*			*P*		*P*	*P*	*P*	*P*	*P*		*P*	*P*	*P*	*P*	*P*	*P*
Tonga *	1			P		P	P	P		1	1	1	P											P
Trinidad & Tobago	*P*	*P*	*P*		*P*	*P*	*P*			*P*	*P*	*P*	*P*	*P*	*P*			S				*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*	*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*
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*
United States	P			P		P	P			P	P	P	P	P	S		P	S		S	S	S	P	S
Uruguay	*S*	*P*	*P*	*P*	*P*	*P*	*P*			*S*		*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
Vietnam *				*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
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 =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.

Appendix D.—International Human Rights Conventions

(1) Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by the Protocol of December 7, 1953.
(2) Convention Concerning Forced Labor of June 28, 1930 (ILO Convention 29).
(3) Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).
(4) Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.
(5) Convention Concerning the Application of the Principles of the Right to Organize and Bargan Collectively of July 1, 1949 (ILO Convention 98).
(6) Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.
(7) Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.
(8) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.
(9) European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.
(10) Convention on the Political Rights of Women of March 31, 1953.
(11) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.
(12) Convention Concerning the Abolition of Forced Labor of June 25, 1957 ILO Convention 105.
(13) International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.
(14) International Covenant on Civil and Political Rights of December 16, 1966.
(15) International Covenant on Economic, Social and Cultural Rights of December 16, 1966.
(16) Convention Relating to the Status of Refugees of July 28, 1952.
(17) Protocol Relating to the Status of Refugees of January 31, 1967.
(18) American Convention on Human Rights of November 22, 1969.
(19) Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).
(20) 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.
(21) 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.
(22) Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.
(23) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.
(24) Convention on the Rights of the Child of November 20, 1989.

APPENDIX E - FY99 Economic and Security Assistance: Actuals

	DA / DFA	CS/D	ESF	IMET	FSA	SEED	INC	MRA	NADR	Peace Corps	PMF	PKO	Total
Africa													
Angola	8,500	2,150	-	-	-	-	-	-	-	-	-	-	10,650
Benin	4,275	10,920	-	372	-	-	-	-	-	2,181	-	-	17,748
Botswana	-	-	-	562	-	-	-	-	-	-	-	-	562
Burkina Faso	-	-	-	-	-	-	-	-	-	1,993	-	-	1,993
Cameroon	-	-	-	184	-	-	-	-	-	2,952	-	-	3,136
Cape Verde	-	-	-	70	-	-	-	-	-	1,074	-	-	1,144
C.A.R.	-	-	-	101	-	-	-	-	-	-	-	-	101
Chad	-	-	-	87	-	-	-	-	732	-	-	-	819
Comoros	-	-	-	14	-	-	-	-	-	-	-	-	14
Congo, Dem. Rep. of	2,500	3,714	-	-	-	-	-	-	-	-	-	-	6,214
Cote D'Ivoire	-	-	-	189	-	-	-	-	1,230	2,636	-	-	4,055
Djibouti	-	-	-	123	-	-	-	-	-	-	-	-	123
Eritrea	4,990	4,967	-	439	-	-	-	-	-	96	-	-	10,492
Ethiopia	13,950	23,236	-	516	-	-	-	-	10	524	-	-	38,236
Gabon	-	-	-	-	-	-	-	-	-	2,368	-	-	2,368
Gambia	-	-	-	-	-	-	-	-	-	1,433	-	-	1,433
Ghana	25,773	15,995	-	391	-	-	-	-	-	2,751	-	-	44,910
Guinea	9,175	7,700	-	167	-	-	-	-	-	2,492	-	-	19,534
Guinea-Bissau	-	-	-	-	-	-	-	-	-	58	-	-	58
Kenya	12,650	7,537	37,000	462	-	-	-	-	1,800	4,986	-	-	64,435
Lesotho	-	-	-	74	-	-	-	-	-	1,758	-	-	1,832
Liberia	5,000	1,812	-	-	-	-	-	-	-	-	-	-	6,812
Madagascar	12,225	3,300	-	115	-	-	-	-	-	1,474	-	-	17,114
Malawi	23,261	9,672	-	343	-	-	-	-	-	1,856	-	-	35,132
Mali	26,899	10,564	-	374	-	-	-	-	-	2,842	-	-	40,679
Mauritania	-	-	-	-	-	-	-	-	535	1,298	-	-	1,833
Mauritius	-	-	-	95	-	-	-	-	-	-	-	-	95
Mozambique	35,725	11,020	-	184	-	-	-	-	1,900	1,450	-	-	50,279
Namibia	6,650	2,000	-	145	-	-	-	-	1,053	2,639	-	-	12,487
Niger	-	-	-	-	-	-	-	-	-	2,427	-	-	2,427
Nigeria	9,879	6,815	-	90	-	-	-	-	-	-	-	-	16,784
Rwanda	10,900	5,185	-	314	-	-	-	-	750	-	-	-	17,149
Sao Tome	-	-	-	86	-	-	-	-	-	-	-	-	86
Senegal	17,243	8,935	-	846	-	-	-	-	1,100	2,969	-	-	31,093
Seychelles	-	-	-	103	-	-	-	-	-	-	-	-	103
Sierra Leone	-	-	3,300	-	-	-	-	-	-	-	-	-	3,300
Somalia	500	2,000	-	-	-	-	-	-	1,150	-	-	-	2,650
South Africa	30,706	14,650	-	1,022	-	-	-	-	500	2,781	-	-	49,659

Swaziland	-	-	-	91	-	-	-	-	-	-	-	-	91
Tanzania	14,750	7,400	9,231	181	-	-	-	-	1,410	2,348	-	-	35,320
Togo	-	-	-	-	-	-	-	-	-	1,606	-	-	1,606
Uganda	30,085	21,187	-	305	-	-	-	-	2,100	972	-	-	54,649
Zambia	12,550	12,109	-	150	-	-	-	-	-	2,436	-	-	27,245
Zimbabwe	6,950	1,850	-	299	-	-	-	-	743	1,626	-	-	11,468
East Asia & Pacific													
Australia				-	-	-	-	-	290	-	-	-	290
Brunei				-	-	-	-	-	80	-	-	-	80
Burma	300	2,700	3,500	-	-	-	-	-	-	-	-	-	6,500
Cambodia	800	3,600	10,000	-	-	-	-	-	1,500	-	-	-	15,900
China	-	-	-	-	-	-	-	-	-	1,028	-	-	1,028
Fiji	-	-	-	15	-	-	-	-	-	-	-	-	15
Indonesia	53,606	13,450	-	486	-	-	-	-	-	-	-	-	67,542
Laos	2,300	-	-	-	-	-	3,700	-	1,800	-	-	-	7,800
Malaysia	-	-	-	713	-	-	-	-	690	-	-	-	1,403
Mongolia	-	-	-	429	10,000	-	-	-	-	1,481	-	-	11,910
Papua New Guinea	-	-	-	156	-	-	-	-	-	1,414	-	-	1,570
Philippines	22,750	4,400	-	1,348	-	-	-	-	20	1,678	1,000	-	31,196
Samoa	-	-	-	105	-	-	-	-	-	1,124	-	-	1,229
Solomon Islands	-	-	-	157	-	-	-	-	-	1,464	-	-	1,621
Thailand	-	-	-	1,703	-	-	2,700	-	2,720	1,152	-	-	8,275
Vanuatu	-	-	-	87	-	-	-	-	-	1,365	-	-	1,452
Viet-Nam	1,500	1,500	-	-	-	-	-	-	1,096	-	-	-	4,096
Tonga	-	-	-	99	-	-	-	-	-	-	-	-	99
East Timor	-	-	9,675	-	-	-	-	-	-	-	-	-	9,675
Micronesia & Palau	-	-	-	-	-	-	-	-	-	1,743	-	-	1,743
Tonga	-	-	-	-	-	-	-	-	-	1,108	-	-	1,108
Kiribati	-	-	-	-	-	-	-	-	-	958	-	-	958
Russia & the New Independent States													
Armenia	-	-	-	-	80,080	-	-	-	60	1,302	-	-	81,442
Azerbaijan	-	-	-	-	35,180	-	-	-	540	-	-	-	35,720
Belarus	-	-	-	-	12,390	-	-	-	-	-	-	-	12,390
Georgia	-	-	-	384	84,580	-	-	-	97	-	-	-	85,071
Kazakstan	-	-	-	383	50,510	-	-	-	1,100	1,938	-	-	53,931
Kyrgyzstan	-	-	-	383	32,010	-	-	-	-	1,318	-	-	33,711
Moldova	-	-	-	485	45,390	-	-	-	30	1,907	-	-	47,812
Russia	-	-	-	228	162,160	-	-	-	1,590	3,162	-	-	166,140
Tajikistan	-	-	-	-	13,050	-	-	-	-	-	-	-	13,050

Turkmenistan	-	-	-	261	11,260	-	-	-	-	1,379	-	-	12,900
Ukraine	-	-	-	1,304	203,580	-	-	-	475	3,026	-	-	208,385
Uzbekistan	-	-	-	526	27,330	-	-	-	1,200	1,820	-	-	30,876
Europe													
Albania	-	-	-	650	-	49,300	-	-	-	-	-	-	49,950
Bosnia/Herzegovina	-	-	-	632	-	180,000	-	-	2,325	-	4,000	-	186,957
Bulgaria	-	-	-	974	-	30,150	-	-	222	1,984	-	-	33,330
Croatia	-	-	-	435	-	17,000	-	-	600	-	-	-	18,035
Cyprus	-	-	15,000	-	-	-	-	-	10	-	-	-	15,010
Czech Republic	-	-	-	1,227	-	-	-	-	1,900	-	7,100	-	10,227
Estonia	-	-	-	675	-	-	-	-	370	748	-	-	1,793
Greece	-	-	-	25	-	-	-	-	330	-	-	-	355
Hungary	-	-	-	1,500	-	-	-	-	278	-	7,100	-	8,878
Ireland	-	-	19,600	-	-	-	-	-	-	-	-	-	19,600
Latvia	-	-	-	729	-	-	-	-	35	948	-	-	1,712
Lithuania	-	-	-	727	-	2,300	-	-	35	963	-	-	4,025
Macedonia, FYRO	-	-	-	448	-	32,500	-	-	-	321	-	-	33,269
Malta	-	-	-	109	-	-	-	-	-	-	300	-	409
Poland	-	-	-	1,600	-	20,000	-	-	245	2,557	6,600	-	31,002
Portugal	-	-	-	700	-	-	-	-	-	-	-	-	700
Romania	-	-	-	1,111	-	41,400	-	-	-	1,781	-	-	44,292
Slovak Republic	-	-	-	623	-	3,000	-	-	-	1,575	-	-	5,198
Slovenia	-	-	-	650	-	-	-	-	-	-	-	-	650
Turkey	-	-	-	1,514	-	-	500	-	-	-	-	-	2,014
United Kingdom	-	-	-	-	-	-	-	-	160	-	-	-	160
Yugoslavia	-	-	-	-	-	6,455	-	-	-	-	-	-	6,455
Montenegro Econ Devel	-	-	-	-	-	23,671	-	-	-	-	-	-	23,671
Kosovo Regional Stab.	-	-	-	-	-	57,355	-	-	-	-	-	-	57,355
Kosovo Econ Devel	-	-	-	-	-	6,145	-	-	-	-	-	-	6,145
Kosovo Human. Assist	-	-	-	-	-	13,036	-	-	-	-	-	-	13,036
Kosovo Democracy	-	-	-	-	-	690	-	-	-	-	-	-	690
Kosovo	-	-	-	-	-	-	-	225,500	-	-	-	-	225,500
Near East													
Algeria	-	-	-	124	-	-	-	-	-	-	-	-	124
Bahrain	-	-	-	228	-	-	-	-	-	-	-	-	228
Egypt	-	-	775,000	1,040	-	-	-	-	1,560	-	1,300,000	-	2,077,600
Israel	-	-	1,080,000	-	-	-	-	70,000	1,010	-	1,860,000	-	3,011,010
Jordan	-	-	200,000	1,654	-	-	-	-	3,630	1,371	95,000	-	301,655
Kuwait	-	-	-	-	-	-	-	-	1,380	-	-	-	1,380

Lebanon	500	-	12,000	554	-	-	-	-	530	-	-	-	13,584
Morocco	8,000	2,826	-	927	-	-	-	-	250	2,397	4,000	-	18,400
Oman	-	-	-	233	-	-	-	-	430	-	-	-	663
Qatar	-	-	-	-	-	-	-	-	200	-	-	-	200
Saudi Arabia	-	-	-	-	-	-	-	-	410	-	-	-	410
Tunisia	-	-	-	937	-	-	-	-	-	-	2,000	-	2,937
United Arab Emirates	-	-	-	-	-	-	-	-	1,380	-	-	-	1,380
Yemen	-	-	-	122	-	-	-	-	1,762	-	-	-	1,884
Iraq Opposition	-	-	3,000	-	-	-	-	-	-	-	-	-	3,000
West Bank/Gaza	-	-	74,500	-	-	-	-	-	-	-	-	-	74,500
WestBank Gaza Democracy	-	-	500	-	-	-	-	-	-	-	-	-	500
South Asia													
Afghanistan	-	-	-	-	-	-	-	-	2,615	-	-	-	2,615
Bangladesh	31,850	14,600	-	394	-	-	-	-	-	844	-	-	47,488
India	28,450	17,750	-	241	-	-	-	-	125	-	-	-	46,566
Maldives	-	-	-	94	-	-	-	-	-	-	-	-	94
Nepal	10,624	6,410	-	189	-	-	-	-	-	1,902	-	-	19,125
Pakistan	-	-	-	-	-	-	2,200	-	125	-	-	-	2,325
Sri Lanka	3,590	300	-	230	-	-	-	-	200	-	-	-	4,320
Western Hemisphere													
Antigua-Barbuda	-	-	-	109	-	-	-	-	-	-	-	-	109
Argentina	-	-	-	613	-	-	-	-	150	-	850	-	1,613
Bahamas	-	-	-	127	-	-	1,000	-	-	-	130	-	1,257
Barbados	-	-	-	57	-	-	-	-	-	-	-	-	57
Belize	-	-	-	175			-	-	-	1,227	100	-	1,502
Bolivia	27,161	6,515	-	533	-	-	54,000	-	20	2,617	-	-	90,846
Brazil	9,512	2,853	-	206	-	-	1,200	-	40	-	-	-	13,890
Chile	-	-	-	478	-	-	-	-	-	-	-	-	478
Colombia	-	-	-	917	-	-	205,860	-	540	-	-	-	207,317
Costa Rica	-	-	-	240	-	-	-	-	130	406	-	-	776
Dominican Republic	5,998	9,085	-	493	-	-	-	-	-	3,194	370	-	19,140
Ecuador	11,755	1,950	-	569	-	-	1,200	-	1,000	2,480	-	-	18,954
El Salvador	20,050	11,378	-	491	-	-	-	-	-	1,771	-	-	33,690
Grenada	-	-	-	59	-	-	-	-	-	-	-	-	59
Guatemala	16,180	11,135	25,000	253	-	-	3,000	-	-	3,219	-	-	58,787
Guyana	2,300	-	-	216	-	-	-	-	-	828	100	-	3,444
Haiti	-	-	70,000	160	-	-	-	-	-	1,396	300	2,000	73,856
Honduras	17,545	22,840	-	560	-	-	-	-	-	3,077	-	-	44,022
Jamaica	6,120	3,426	-	472	-	-	800	-	-	2,261	475	-	13,554

APPENDIX E - FY99 Economic and Security Assistance: Actuals

Mexico	6,882	2,050	-	918	-	-	8,000	-	-	-	-	-	17,850
Nicaragua	16,950	11,940	-	200	-	-	-	-	-	1,869	-	-	30,959
Panama	4,598	-	-	87	-	-	-	-		1,772	590	-	7,047
Paraguay	4,694	-	-	215	-	-	-	-	140	3,190	-	-	8,239
Peru	24,368	9,757	-	478	-	-	74,540	-	1,180	-	-	2,400	112,743
Suriname	-	-	-	100	-	-	-	-	-	855	-	-	955
Trinidad and Tobago	-	-	-	148	-	-	-	-	-	-	225	-	373
Uruguay	-	-	-	364	-	-	-	-	-	-	-	-	364
Venezuela	-	-	-	400	-	-	700	-	-	-	-	-	1,100
St Kitts-Nevis	-	-	-	63	-	-	-	-	-	-	-	-	63
St Lucia	-	-	-	57	-	-	-	-	-	-	-	-	57
St Vincent & Grenadine	-	-	-	49	-	-	-	-	-	-	-	-	49
Dominica	-	-	-	50	-	-	-	-	-	-	-	-	50
Peru/Ecuador Peace	-	-	-	-	-	-	-	-	-	-	-	-	-

Appendix F.—55th UNCHR Voting Record

The following resolutions were adopted without a vote (by consensus) at the 55th session of the UN Commission on Human Rights:

1999/1	Situation of human rights in Sierra Leone
1999/4	Question of Western Sahara
1999/9	Situation of human rights in Afghanistan
1999/10	Situation of human rights in Burundi
1999/11	Situation of human rights in Nigeria
1999/15	Situation of human rights in Sudan
1999/16	Cooperation with representatives of United Nations human rights bodies
1999/17	Situation of human rights in Equatorial Guinea and assistance in the field of human rights
1999/20	Situation of human rights in Rwanda
1999/24	The right to food
1999/25	Question of the realization in all countries of 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 these human rights
1999/26	Human rights and extreme poverty
1999/28	Human rights and arbitrary deprivation of nationality
1999/29	Hostage-taking
1999/30	Question of a draft optional protocol to the Convention against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment
1999/31	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
1999/32	Torture and other cruel, inhuman or degrading treatment or punishment
1999/33	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms
1999/34	Impunity
1999/35	Extrajudicial, summary or arbitrary executions
1999/36	Right to freedom of expression and opinion
1999/37	Question of arbitrary detention
1999/38	Question of enforced or involuntary disappearances
1999/39	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
1999/40	Traffic in Women and Girls
1999/41	Integrating the human rights of women throughout the United Nations system
1999/42	Elimination of violence against women
1999/44	Human rights of migrants
1999/45	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
1999/47	Internally displaced persons
1999/48	Rights of persons belonging to national or ethnic, religious and linguistic minorities
1999/49	The protection of human rights in the context of human immunodeficincy virus (HIV) and acquired immune deficiency syndrome (AIDS)
1999/50	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
1999/51	Working group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People
1999/52	A permanent forum for indigenous people in the United Nations system
1999/53	Forum on economic, social and cultural rights: the Social Forum
1999/54	Strengthening of the Office of the United Nations High Commissioner for Human Rights
1999/66	Situation of human rights in the Democratic Republic of the Congo
1999/60	Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights
1999/62	Towards a culture of peace
1999/63	Human rights and bioethics
1999/64	United Nations Decade for Human Rights Education

1999/65	Fundamental standards of humanity
1999/66	Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
1999/68	Enhancement of international cooperation for the promotion and protection of human rights in the Asian and Pacific region
1999/69	Regional cooperation for the promotion and protection of human rights in the Asia and Pacific region
1999/71	Regional arrangements for the promotion and protection of human rights
1999/72	National institutions for the protection and promotion of human rights
1999/74	Assistance to States in strengthening the rule of law
1999/75	Assistance to Somalia in the field of human rights
1999/76	Situation of human rights in Cambodia
1999/77	Situation of human rights in Haiti
1999/78	Racism, racial discrimination, xenophobia and related intolerance
1999/80	Rights of the child
1999/81	Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
1999/82	Defamation of religions

The following resolutions were adopted by vote at the 55th session of the Commission on Human rights (letter designation refers to the vote chart):

A.	1999/2	Situation of human rights in Kosovo (Adopted 44–1–6)
B.	1999/3	The use of mercenaries as means of violating Human rights in and impeding the exercise of the right peoples to self-determination (Adopted 35–12–6)
C.	1999/5	Question of the violation of human rights in the occupied Arab territories, including Palestine (Adopted 31–1–21)
D.	1999/6	Human rights in the occupied Syrian Golan (Adopted 31–1–20)
E.	1999/7	Israeli settlements in the occupied Arab Territories (Adopted 50–1–2)
F.	1999/8	Human rights in Cuba (Adopted 21–20–12)
G.	1999/12	Human rights situation in southern Lebanon and west Beeka (Adopted 49–1–3)
H.	1999/13	Human rights situation in Islamic Republic of Iran (Adopted 23–16–14)
I.	1999/14	Situation of human rights in Iraq (Adopted 35–0–18)
J.	1999/18	The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), The Republic of Croatia and Bosnia-Herzogovina (Adopted 46–1–6)
K.	1999/21	Human Rights and universal coercive measures (Adopted 37–10–6)
L.	1999/22	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, the implementation of the Declaration on the Right To Development (Adopted 30–15–18)
M.	1999/23	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights. (Adopted 36–16–1)
N.	1999/27	Human rights and terrorism (Adopted 27–0–26)
O.	1999/43	Abduction of children from northern Uganda (Adopted 28–1–24)
P.	1999/46	Contemporary forms of slavery (Adopted 36–0–17)
Q.	1999/55	Situation in occupied Palestine (Adopted 44–1–8)
R.	1999/57	Promotion of the right to democracy (Adopted 51–0–2)
S.	1999/58	Impunity of perpetrators of violations of economic, social and cultural rights (Adopted 21–9–22)
T.	1999/59	Globalization and its impact on the full enjoyment of all human rights (Adopted 30–2–22)
U.	1999/61	Question of the death penalty (Adopted 30–11–12)
V.	1999/67	Convention on the Prevention and Punishment Of the Crime of Genocide (Adopted 48–0–5)
W.	1999/70	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights (Adopted 34–16–3)
X.	1999/73	Mainstreaming technical cooperation in all areas of human rights (Adopted 27–19–7)

APPENDIX F - 55th UNHRC Voting Table

1999 – 55th CHR

CHR MEMBER	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
ARGENTINA	Y	A	A	Y	Y	Y	A	A	Y	Y	Y	A	Y	A	Y	A	A	Y	A	A	Y	Y	Y	N
AUSTRIA	Y	N	A	A	Y	Y	Y	Y	Y	N	N	N	A	Y	A	Y	Y	A	A	Y	Y	N	N	
BANGLADESH	Y	Y	Y	Y	Y	A	Y	N	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
BHUTAN	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	Y	Y
BOTSWANA	Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	N	Y	Y	Y
CANADA	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	A	Y	A	A	Y	A	A	Y	Y	N	N
CAPE VERDE	Y	Y	Y	Y	Y	N	Y	A	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A
CHILE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	A	N	Y	Y	N	N
CHINA	A	Y	Y	Y	Y	N	Y	N	A	A	Y	Y	Y	Y	A	Y	Y	A	Y	Y	N	Y	Y	Y
COLOMBIA	Y	Y	Y	Y	Y	A	Y	N	Y	A	Y	A	Y	A	Y	Y	Y	Y	A	A	Y	Y	Y	A
CONGO-B	A	Y	Y	Y	Y	N	Y	Y	A	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
CUBA	A	Y	Y	Y	Y	N	Y	N	A	Y	Y	N	Y	Y	Y	Y	Y	A	Y	Y	A	Y	Y	Y
CZECH	Y	N	A	A	Y	Y	Y	Y	Y	Y	A	Y	N	A	A	A	Y	Y	N	A	Y	Y	N	N
CONGO-K	Y	Y	Y	Y	Y	N	Y	A	A	Y	Y	Y	Y	A	A	Y	Y	Y	Y	Y	A	Y	Y	Y
ECUADOR	Y	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y
EL SALVADOR	Y	Y	A	A	Y	A	Y	Y	Y	Y	A	A	Y	Y	Y	Y	A	Y	A	A	Y	Y	N	Y
FRANCE	Y	A	A	A	Y	Y	Y	Y	Y	Y	Y	N	N	A	Y	A	Y	Y	N	Y	Y	Y	N	N
GERMANY	Y	N	A	A	Y	Y	Y	Y	Y	Y	N	N	N	A	Y	A	Y	Y	N	A	Y	Y	Y	N
GUATEMALA	Y	Y	A	A	Y	A	Y	Y	A	A	Y	Y	Y	A	A	Y	A	Y	A	A	A	Y	Y	A
INDIA	A	Y	Y	Y	Y	N	Y	N	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	Y	Y
INDONESIA	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
IRELAND	Y	A	A	A	Y	Y	Y	Y	Y	Y	A	N	N	A	Y	A	Y	Y	A	A	Y	Y	N	N
ITALY	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	N	N	A	Y	A	Y	Y	N	Y	Y	Y	N	N
JAPAN	Y	N	A	A	Y	Y	Y	Y	Y	Y	N	N	N	A	A	A	Y	Y	A	A	N	Y	N	N
LATVIA	Y	Y	A	A	Y	Y	Y	Y	Y	Y	N	N	N	A	A	A	Y	Y	N	A	Y	Y	N	N
LIBERIA	Y	A	A	A	A	A	A	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	A	A	A	Y	A	Y
LUXEMBOURG	Y	N	A	A	Y	Y	Y	Y	Y	Y	Y	Y	N	A	Y	A	A	Y	Y	A	Y	Y	N	N
MADAGASCAR	Y	Y	Y	Y	Y	A	Y	A	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	Y	Y
MAURITIUS	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
MEXICO	Y	Y	Y	Y	Y	N	Y	N	Y	A	Y	A	Y	A	A	Y	Y	Y	Y	Y	A	Y	Y	A
MOROCCO	Y	Y	Y	Y	Y	Y	Y	N	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
MOZAMBIQUE	Y	Y	Y	Y	Y	A	Y	A	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
NEPAL	A	Y	Y	Y	Y	A	Y	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y
NIGER	Y	Y	Y	Y	Y	N	Y	A	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
NORWAY	Y	N	A	A	Y	Y	Y	Y	Y	Y	N	N	N	A	Y	A	Y	Y	A	A	Y	N	N	N
PAKISTAN	Y	Y	Y	Y	Y	N	Y	N	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
PERU	Y	Y	Y	Y	Y	N	Y	A	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	A	A	Y	Y	Y	Y
PHILIPPINES	Y	Y	Y	Y	Y	A	Y	N	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	Y	Y
POLAND	Y	N	A	A	Y	Y	Y	Y	Y	Y	N	N	Y	A	Y	A	Y	Y	N	A	Y	Y	N	N
QATAR	Y	Y	Y	Y	Y	N	Y	N	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	N	N	Y	Y
REP. OF KOREA	Y	A	Y	Y	Y	Y	Y	A	Y	Y	A	A	A	Y	A	Y	Y	Y	A	A	N	Y	Y	N
ROMANIA	Y	N	A	A	A	Y	A	Y	Y	Y	N	N	N	A	Y	A	A	Y	N	A	Y	N	N	N
RUSSIA	N	Y	A	A	Y	N	Y	A	Y	N	Y	A	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y
RWANDA	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
SENEGAL	Y	Y	Y	Y	Y	A	Y	N	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	A	Y
SOUTH AFRICA	A	Y	Y	Y	Y	N	Y	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	N

APPENDIX F - 55th UNHRC Voting Table

SRI LANKA	Y	Y	Y	Y	Y	N	Y	N	A	Y	Y	Y	Y	Y	A	Y	Y	Y	A	Y	A	N	Y	Y
SUDAN	Y	Y	Y	Y	Y	N	Y	N	A	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	Y	Y
TUNISIA	Y	Y	Y	Y	Y	Y	Y	N	A	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	A	Y	Y	Y
UNITED KINGDOM	Y	N	A	A	Y	Y	Y	Y	Y	Y	N	N	N	A	Y	A	Y	Y	N	A	Y	Y	N	N
UNITED STATES	Y	N	N	N	N	Y	N	Y	Y	Y	N	N	N	A	Y	A	N	Y	N	N	N	Y	N	N
URUGUAY	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	A	Y	A	Y	A	Y	Y	Y	Y	A
VENEZUELA	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y	A

Y = Yes N = No A = Abstention - = Absent

MLAPUBLIC\1999 HRR_TABLE OF HRC VOTING.DOC

Appendix G.—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 any 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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1999 COUNTRY INDEX

FORWARD

LETTER OF TRANSMITTAL

INTRODUCTION

PREFACE

AFRICA:

Angola
Benin
Botswana
Burkina Faso
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Comoros
Congo, Democratic Republic of
Congo, Republic of
Cote d'Ivoire
Djibouti
Equatorial Guinea
Eritrea
Ethiopia
Gabon
Gambia, The
Ghana
Guinea
Guinea-Bissau
Kenya
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Mauritius
Mozambique
Namibia
Niger
Nigeria
Rwanda
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone

Somalia
South Africa
Sudan
Swaziland
Tanzania
Togo
Uganda
Zambia
Zimbabwe

EAST ASIA AND THE PACIFIC:

Australia
Brunei
Burma
Cambodia
China (includes Hong Kong)
China (Taiwan only)
Fiji
Indonesia
Japan
Kiribati
Korea, Democratic People's Republic of
Korea, Republic of
Laos
Malaysia
Marshall Islands
Micronesia, Federated States of
Mongolia
Nauru
New Zealand
Palau
Papua New Guinea
Philippines
Samoa
Singapore
Solomon Islands
Thailand
Tonga
Tuvalu
Vanuatu
Vietnam

EUROPE:

Albania
Andorra
Armenia
Austria
Azerbaijan
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Canada
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Kazakhstan

Kyrgyz Republic
Latvia
Liechtenstein
Lithuania
Luxembourg
Former Yugoslav Republic of Macedonia
Malta
Moldova
Monaco
Netherlands, The
Norway
Poland
Portugal (includes Macau)
Romania
Russia
San Marino
Serbia-Montenegro
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Tajikistan
Turkey
Turkmenistan
Ukraine
United Kingdom
Uzbekistan

NEAR EAST AND NORTH AFRICA:

Algeria
Bahrain
Egypt
Iran
Iraq
Israel and the occupied territories
Jordan
Kuwait
Lebanon
Libya
Morocco
The Western Sahara
Oman
Qatar
Saudi Arabia
Syria
Tunisia
United Arab Emirates
Yemen

SOUTH ASIA:

Afghanistan
Bangladesh
Bhutan
India
Maldives
Nepal
Pakistan
Sri Lanka

WESTERN HEMISPHERE:

Antigua and Barbuda
Argentina
Bahamas
Barbados
Belize
Bolivia
Brazil
Canada

Chile
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
St. Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Uruguay
Venezuela

APPENDIXES:

A. Notes on Preparation of the Reports
B. Reporting on Worker Rights
C. Selected International Human Rights Conventions
D. Explanation of Chart in Appendix C
E. FY 1999 U.S. Economic and Military Assistance—Actual Obligations
F. 55th Session of the U.N. Human Rights Commission: Voting Record and Voting Table
G. United Nations Universal Declaration of Human Rights

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